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Supreme Court of the United States

OCTOBER TERM, 1961

No. 701-HC

MAURICE A. HUTCHESON, PETITIONER,

vs.

UNITED STATES.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITION FOR CERTIORARI FILED FEBRUARY 7, 1961
CERTIORARI GRANTED APRIL 2, 1961

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1960

No. 701

MAURICE A. HUTCHESON, PETITIONER,

vs.

UNITED STATES.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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Original Print

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for the District of Columbia Circuit

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from the United States District Court for the
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**IN UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 15,906

MAURICE A. HUTCHESON, Appellant,

v.

UNITED STATES OF AMERICA, Appellee.

**APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Joint Appendix

[fol. 1]

Criminal Docket

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES

vs.

MAURICE A. HUTCHESON (29)

Case Closed

U. S. Attorney Hitz

Joseph P. Tumulty, Jr., 1317 F St., NW

M. Joseph Matan, 1317 F St., N.W.

Charles H. Tuttle, 15 Broad St., N. Y., N. Y.

Criminal No. 153-60

**Charge: Vio. T. 2, U. S.
Code, Sec. 192**

Date filed: Bond:

10-29-59 (to also apply to 950-59)

4-11-60 \$1000.00 U. S. Fidelity &
Guaranty Co.

DOCKET ENTRIES

Date

Proceedings

1960 Feb 15 Presentment and Indictment Filed (18
Counts)

1960 Apr 4 Arraigned, Plea Not Guilty entered; Waiver
of trial by jury, filed; Trial by Court Be-
gun; Case is Respited until 10:00 a.m. 4-5-
60; Bond in Criminal Case No. 950-59 and
Criminal No. 153-60 to apply to both cases.

<i>Date</i>	<i>Proceedings</i>
	Attorneys Charles H. Tuttle, Joseph P. Tumulty, Jr. and M. Joseph Matan present. Morris, J. (Reporter-Kaitz) Cert. filed.
1960 Apr 5	Appearance of Joseph P. Tumulty, Jr. and M. Joseph Matan and Charles H. Tuttle entered and filed; Trial by Court Resumed; Defendant On Bond; Case is Respited until 10:00 a.m. to-morrow; Attorneys Charles H. Tuttle, M. Joseph Matan and Joseph P. Tumulty, Jr. present. Morris, J. (Reporter-Kaitz) Cert. filed.
1960 Apr 6	Trial by Court Resumed; Case is Respited until 10:00 a.m. to-morrow; Defendant On Bond; Attorneys M. Joseph Matan, Joseph P. Tumulty, Jr. and Charles H. Tuttle present. Morris, J. (Reporter-Frye) Cert. filed.
[fol. 2]	
1960 Apr 7	Trial by Court Resumed; Case is Respited until 10:00 a.m. Monday, 4-11-60; Defendant On Bond; Attorneys M. Joseph Matan, Joseph P. Tumulty, Jr. and Charles H. Tuttle present. Morris, J. (Reporter-Frye) cert. filed.
1960 Apr 11	Trial by Court Resumed; Finding: Guilty as charged; Case is Referred to the Probation Office of the Court; Defendant permitted to Remain On Bond pending sentence; Attorneys M. Joseph Matan, Joseph P. Tumulty, Jr., Charles H. Tuttle present. Morris, J. (Reporter-Rawls) Cert. filed.
1960 Apr 11	Recognizance in the sum of \$1,000.00 taken with United States Fidelity and Guaranty Company, filed.
1960 May 13	Sentenced to Imprisonment for a period of Six (6) Months and to pay a Fine of \$500.00. Payment of Fine and the service of

<i>Date</i>	<i>Proceedings</i>
	the term of imprisonment Stayed pending the outcome of the Appeal. Appeal bond set in the amount of \$1,000.00 and Defendant permitted to remain in custody of counsel pending the taking of the appeal bond. Attorneys Joseph P. Tumulty, Jr. and Charles H. Tuttle, and M. Joseph Matan, present. Morris, J. (Reporter-Marion C. Dennis) Cert. filed. J.I.
1960 May 13	Notice of Appeal, filed. Clerk's fee of \$5.00 paid and credited to United States.
1960 May 13	Recognizance on Appeal in the sum of \$1,000.00 taken with United States Fidelity Guaranty Co., Surety, filed.
1960 May 18	Judgment and Commitment of 5-13-60, filed. Morris, J.
1960 Jun 15	Order extending time to docket & file Record on Appeal to and incl. 7-20-60, filed. Morris, J.
Jul 18	Government Exhibits 1, 2, 3, 4, 5, 6, & 7 filed.
Jul 20	Order Extending Time to Docket and File Record on Appeal to & including 7-29-60 filed. Morris, J.

[fol. 2a]

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Holding a Criminal Term

Grand Jury Impaneled on December 22, 1959, and Sworn in on January 5, 1960.

Criminal No. 153-60

Grand Jury Original
(2 U.S.C. 192)

UNITED STATES OF AMERICA

v.

MAURICE A. HUTCHESON

INDICTMENT—Filed February 15, 1960

The Grand Jury charges:

Introduction

On June 27, 1958, in the District of Columbia, the Senate Select Committee on Improper Activities in the Labor or Management Field, of the United States Senate, was conducting hearings, pursuant to Senate Resolutions 74, 88 and 221 of the 85th Congress.

Defendant, Maurice A. Hutcheson, appeared as a witness before that Committee, at the place and on the date above stated, and was asked questions which were pertinent to the question then under inquiry. Then and there the defendant unlawfully refused to answer those pertinent questions.

The allegations of this Introduction are adopted and incorporated into the Counts of this indictment which follow, each of which Counts will in addition merely set forth the question which was asked of the defendant and which he refused to answer.

Count One

Has he [Mr. Raddock] received from the union payment for acts performed in your behalf and for you as an individual?

Count Two

Have you, unrelated to this offense charged in the indictment now against you, engaged the services of Mr. Raddock, and have you paid him out of union funds for the performance of those services, to aid and assist you in avoiding or preventing an indictment from being found against you or for being criminally prosecuted for any other offense other than that mentioned in this indictment?

[fol. 3]

Count Three

Did you engage the services of Mr. Raddock and pay him for those services out of union funds, to contacts, either directly or indirectly, the county prosecuting attorney, Mr. Holovachka, given name Metro, in Lake County, Gary, Ind.?

Count Four

Have you paid Max C. Raddock out of union funds for personal services rendered to you at any time within the past 5 years?

Count Five

Have you used union funds to pay Max C. Raddock for any services rendered to you personally, wholly disassociated from any matters out of which the pending criminal charge arose?

Count Six

Was he there [in Chicago] on union business for which the union had the responsibility for payment?

Count Seven

Was Mr. Raddock paid on that trip, the expenses of his paid by union funds while he was on union business?

Count Eight

You were out in Chicago at the same time?

Count Nine

Were your expenses on that Chicago trip paid by the union?

Count Ten

Were you out in Chicago at that time on union business?

Count Eleven

Do you know Mr. James Hoffa?

Count Twelve

Did you make an arrangement with Mr. Hoffa that he was to perform tasks for you in return for your support on the question of his being ousted from the A. F. L. -CIO?

Count Thirteen

Isn't it a fact that you telephoned Mr. Hoffa from your hotel in Chicago on August 12, 1957?

[fol. 4]

Count Fourteen

And wasn't that telephone call in fact paid out of union funds, the telephone call that you made to him on August 12?

Count Fifteen

Do you also know Mr. Sawochka of the Brotherhood of Teamsters?

Count Sixteen

Isn't it a fact that you had Mr. Plymate who is a representative of the brotherhood, telephone, and your secretary telephone, Mr. Sawochka from your room on August 13, 1957?

Count Seventeen

And isn't it a fact that that telephone bill and that telephone call was paid out of union funds?

Count Eighteen

Did you have any business with local 142 of the Teamsters in Gary, Ind.?

Oliver Gasch, United States Attorney in and for the District of Columbia.

A True Bill:

Henry G. Pappa, Foreman.

IN UNITED STATES DISTRICT COURT

PLEA OF DEFENDANT—Filed April 4, 1960

On this 4th day of April, 1960, the defendant Maurice A. Hutcheson, appearing in proper person and by his attorney C. H. Tuttle & J. Tumulty, being arraigned in open Court upon the indictment, the substance of the charge being stated to him, pleads not guilty thereto.

[fol. 5] The bond in Criminal Case #950-59 to apply in Criminal Case #153-60.

By direction of James W. Morris, Presiding Judge Criminal Court #Four, Harry M. Hull, Clerk, By John J. Flannery.

Present: United States Attorney, By Wm. Hitz, Assistant United States Attorney, H. Kaitz—Official Reporter.

IN UNITED STATES DISTRICT COURT

Excerpts From Transcript of Proceedings—April 5, 1960

PAUL J. TIERNEY called as a witness and, having been first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Hitz:

Q. Mr. Tierney, will you give your full name, please?

A. Paul J. Tierney.

Q. And your occupation, sir?

A. I was an assistant counsel with the Selective Committee on Improper Activities in the Labor-Management Field and am in the process of being transferred back to the Senate Permanent Subcommittee on Investigating.

Q. When did you first go with the Senate Select Committee?

A. From its inception in January 1957.

Q. And prior to that, did you have any connection with the Standing Labor Committee of the Senate?

A. No, I did not.

Q. Were you then with the Government Operations Committee of the Senate?

A. I was.

[fol. 6] Q. In June 1958, which is the indictment month, Mr. Tierney, were the members of the Senate which had been selected to comprise the Select Committee on Improper Activities in the Labor or Management Field those that are mentioned and named on the inside page of Part 31 which is Government Exhibit for identification No. 5?

A. They were.

Q. And they are stated there to be John L. McClellan, Chairman; John F. Kennedy, Frank Church, Karl E. Mundt, Barry Goldwater, and Carl T. Curtis, is that correct?

A. And Irving M. Ives, Vice Chairman.

Q. Yes, Irving M. Ives.

And Robert F. Kennedy was Chief Counsel, is that correct, sir, during that month?

A. That is correct.

Q. And before and afterward, too, isn't that correct?

A. That is correct.

Q. Did you, Mr. Tierney, conduct certain investigations for that Committee in that position you have already indicated of the activities of Maxwell C. Raddock of the United Brotherhood of Carpenters and Joiners of America and certain related matters? Merely state I did or did not.

Mr. Tuttle: I assume that that is a preliminary question.

The Court: I assume it is, too.

The Witness: I did.

Mr. Hitz: Your Honor, I am going to have Mr. Tierney read certain passages from Government's No. 5 for identification and I will, of course, offer those in evidence as we go along.

I will now indicate to the Court the passages from this document that we are going to read from and, in that fashion, Mr. Tuttle will be able to organize the position that he expects to take.

Would you care to have this copy as a means of following the witness, Your Honor?

The Court: I would like to have some memorandum made of what part is read so I will know that. I don't care whether I keep it or the Clerk keeps it or the reporter, if necessary, can read it back to me if I have to have it done.

Mr. Hitz: Yes.

[fol. 7] Mr. Tuttle and I, I believe, are in agreement on most or perhaps all of the material that will be read here now with respect to its materiality and its relevancy and then for its admissibility, at this stage of the case, so that I think it would be merely time consuming if we went over all of those at this time. I think if I refer to the page and line as we go forward that Your Honor can follow and so can the reporter.

The Court: All right.

By Mr. Hitz:

Q. A couple of preliminary questions, Mr. Tierney. Were you present on May 27, 1958, in the Committee Hearing Room in Washington, D. C., when there took place what appears—

Mr. Tuttle: What page?

Mr. Hitz: I am sorry, I want to change the date, on June 4 where there took place what appears on page 11785 of Government's Exhibit 5 for identification, being Part 31 of the hearing?

A. I was.

Q. And later on June 26, 1958, were you present at the hearings on that date in Washington?

A. I was.

Q. And on the 27th of June 1958?

A. I was.

Q. Have you had occasion to examine the Government print which is part of Part 31 to determine whether or not it is substantially accurate as you recall the events to have been?

A. I have.

Q. Is it substantially accurate?

A. It is.

Q. Would you please turn to page 11785 which is the hearing for Wednesday, June 4, 1958, and I would like you to read that entire page and a portion of the succeeding page.

Mr. Tuttle: If I may, I would like to put in, in fairness to the position that I am going to take about Mr. Hutcheson at this time, an agreement as to matter of fact which I understand that Mr. Hitz and I reached this morning, namely, that Mr. Hutcheson was not asked by the Committee to be present before the Committee or his counsel to be present before the Committee until June 26. I do that because there is now to be a reading from a statement by the Chairman of the Committee on June 4.

I understand it is the agreed fact that Mr. Hutcheson [fol. 8] was not present and he was not asked to be present until June 26.

Mr. Hitz: We do agree to that and, since Mr. Tuttle has brought that subject up, I think we may as well complete now what will be our proof on that subject and if Mr. Tuttle will be good enough to turn to the report of the citation which is one of the accompanying documents to Government's Exhibit No. 4, I would like to suggest that Mr. Tuttle agree to this offer of stipulation which is: That a subpoena was signed and issued by Chairman McClellan of this Select Committee under date of 19 May 1958 as indicated on page 2 of this report.

Mr. Tuttle: That, I think, is true but I know Mr. Hutcheson was told, through the courtesy of the Committee, that they would not want him until June 26. Naturally, he regarded the return date of the subpoena as changed by the announcement of the Committee to June 26 and, on that occasion, he did present himself with his counsel and that was the first time he was before the Committee in any open session.

Mr. Hitz: That is correct. We will agree to that, as we did a moment ago, and that that subpoena was served upon Mr. Hutcheson on May 20, 1958, as appears in the legend immediately below the subpoena on page 2, that subpoena called for his appearance on June 2, 1958, in Washington at the offices of the Select Committee and that finally, by agreement with the Committee, Mr. Hutcheson did appear on the 26th before the Committee and was also there on the 27th of June 1958 at which time he gave testimony.

I invite Mr. Tuttle to agree to that stipulation.

Mr. Tuttle: I do.

The Court: All right. Apparently you are all in agreement on the thing so far.

Mr. Tuttle: Yes, sir.

By Mr. Hitz:

Q. Mr. Tierney, would you please read the entire page of 11785 in Part 31?

A. Yes, sir.

[fol. 9] "INVESTIGATION OF IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD

Wednesday, June 4, 1958

United States Senate

Select Committee on Improper Activities In The
Labor or Management Field, Washington, D. C.

"The select committee met at 11:10 a.m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in room 457 of the Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Sam J. Ervin, Jr., Democrat, North Carolina.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Alderman, assistant chief counsel; Paul J. Tierney, assistant counsel; Robert E. Dunne, assistant counsel; John J. McGovern, assistant counsel; Charles E. Wolfe, accountant, GAO; Francis J. Ward, accountant, GAO; Karl Deibel, accountant, GAO; Ruth Young Watt, chief clerk.

(Members of the committee present at the convening of the session were: Senators McClellan and Ervin.)

The Chairman. The Committee will be in order.

The Chairman. We have just concluded some executive hearings and the Chair would like to make a brief statement, an opening statement regarding the hearings we are now beginning.

The committee will hear witnesses today on the operations of Mr. Maxwell Raddock, owner of the World Wide Press, a large New York printing plant, and publisher of the Trade Union Courier.

Witnesses will be called to testify as to financial interests and investments in the World Wide Press by labor organizations and certain labor officials and the unorthodox manner in which bonds of the company were issued and handled.

The committee will also inquire into the propriety of labor officials' having financial interests in Maxwell Raddock's company at the same time that they invested considerable

sums of their union's funds in the plant that prints the [fol. 10] Trade Union Courier and in subscriptions to that paper.

The manner in which advertisements were solicited by the Trade Union Courier has been the subject of investigation by the committee staff. The committee is particularly interested in whether solicitors employed by the Trade Union Courier represented it as the organ of the AFL-CIO as well as making other false representations.

Preliminary investigation by the staff has disclosed certain financial transactions of the United Brotherhood of Carpenters which require explanation.

One of these transactions involves very large expenditures in the publication of a book entitled, "The Portrait of an American Labor Leader, William L. Hutcheson."

Maurice Hutcheson, who is now president of the United Brotherhood of Carpenters, and Mr. Raddock will be questioned about this matter.

The Chair may say that during the existence of this committee we have had much information and a great deal of testimony regarding the misuse of union funds, regarding personal financial gain and benefit and profit and expenditure of such funds by union officials, and we are still pursuing that aspect of labor-management relations.

We have also had considerable evidence of collusion between management and union officials where they both profit at the expense of the men who work and pay the dues.

In this particular instance, there is indication that the union membership have again been imposed upon by transactions that have occurred that we will look into as the evidence unfolds before us."

Mr. Tuttle: If Your Honor please, may I clarify my position?

The Court: Yes.

Mr. Tuttle: I recognize this is a statement made at the opening by the Chairman. It states a number of lines of inquiry that are to be presented. I would not wish it understood that I am in agreement that all these lines of inquiry have any relation to the subject matter of the pending in [fol. 11] dictment before Your Honor and the questions

that are therein embodied. For example, I believe I am correct in stating that there is no conceivable connection between the questions in the pending indictment and the manner in which Mr. Raddock conducted his World Wide Press or the Trade Union Courier, or what representations he made to advertisers in order to secure the advertisements or whether or not he was truthful in alleging an endorsement of that paper by the AFL-CIO.

Neither can I see any connection between the questions in the pending indictment and the book which is referred to as the "Portrait of an American Labor Leader—William L. Hutcheson" nor do I wish to accept the generalities that follow as to some of the objectives of the Committee but I understand that Your Honor will, of course, rule on those things as they become specific and tangible in the presentation of the case and I am only saying that by sitting silent, while that page is read, I don't wish to be in the position of abandoning my position and recognizing that all these subjects that are referred to have relevancy to the issue before Your Honor.

The Court: All right. I will construe that.

By Mr. Hitz:

Q. Mr. Tierney, was Mr. Hutcheson present at the commencement of the June 4 session from which you have just read?

A. He was not. I don't believe he was.

Q. Now, would you be good enough to turn to page 12079 of this same document?

Mr. Tuttle: What page, Mr. Hitz?

By Mr. Hitz:

Q. I am sorry, page 12017, Mr. Tierney.

Mr. Tierney, does there commence on that page the hearing of this Select Committee for June 26, 1958?

A. There does. It does commence on that page.

Q. Would you be good enough to read page 12017 and from there on until I ask you to stop, and I think I should say that some few questions and answers here are going to be read by Mr. Tierney at my request unless the Court

[fol. 12] rules otherwise, which are not the subject matter of an agreement between Mr. Tuttle and myself.

Mr. Hitz: Mr. Tuttle, I have reference to the questions that precede our agreed commencement on page 12018. I feel that perhaps continuity here is more important than leaving that material out and, in addition, that material at the top of page 12018 does have a bearing upon some portion of the indictment material so I say that to Mr. Tuttle so that he may, at this time, formulate his position.

Mr. Tuttle: I appreciate that, Mr. Hitz.

The questions that you are referring to, I assume, are those on page 12018 which relate to the Mid-City Investments, Inc., the Consolidated Investments, Inc., Mr. George Goldstein, Mr. Charles Gluek and several other persons before the question about knowing Metro Holovachka?

Mr. Hitz: That is correct.

Mr. Tuttle: I cannot conceive what bearing they have on the indictment here because none of these gentlemen are in any way concerned with the Indiana situation that was thereupon taken up with Mr. Raddock.

May I inquire, Your Honor, of Mr. Hitz, how he thinks that makes any connection?

Mr. Hitz: Some of it does.

The State Sibly Corporation, which is mentioned in that questioning, is an organization which had a part in the transaction that the Teamsters Union funds were instrumental in creating and which had to do with the indication that funds went from that source to Mr. Holovachka and that that may well have been the way in which Mr. Holovachka decided to terminate his Lake County Grand Jury investigation in the way in which it was terminated. In other words, the State Sibly Corporation is a company behind that transaction.

Mr. Tuttle: I have no desire, Your Honor, to take up time about a trivial matter. These questions, on their face, amount to nothing because the answer is no, but if I am permitted, should the subject be later developed to bring forward an objection, why, I am not going to interrupt Mr. Hitz at this point.

[fol. 13] The Court: All right.

A. That is correct.

Q. I am going to ask you just one or two questions with [fol. 14] respect to that. Were you present when Mr. Raddock gave his earlier testimony? Say "I was" or "I was not."

A. I was.

Q. Was he questioned in those appearances concerning the biography of Mr. Hutcheson, Sr., and other related matters?

A. He was.

Q. Did he give answers to those questions?

A. He did.

Q. Would you be good enough to continue reading without omission?

A. (Reading:)

"TESTIMONY OF MAXWELL C. RADDICK, ACCOMPANIED BY HIS COUNSEL, SEYMOUR WALDMAN—Resumed.

The Chairman. All right, Mr. Kennedy, you may proceed.

Mr. Waldman. Mr. Chairman, in view of the impressive demonstration yesterday of Mr. Christie of the fact that 'Hell hath no fury like an author scorned,' may we have permission at this point in the record to supply the Committee and have inserted book reviews from publications of general circulation whose views on the literary merits of this book are quite different than Mr. Christi's?

The Chairman. They may be filed with the committee for reference, and he may refer to them in the course of his testimony if he desires.

Mr. Waldman. We don't have them with us, they are in New York, but we will send them to you.

The Chairman. You may file them with the committee for the committee's consideration and action on them. If found to be appropriate, they either may be inserted in the record or filed as an exhibit to the testimony of the witness.

Proceed.

Mr. Kennedy. Mr. Raddock, do you know anything about the 1300 Broadway Corp.?

Mr. Raddock. No, sir.

Mr. Kennedy. You never heard of that?

Mr. Raddock. No.

Mr. Kennedy. Do you know anything about Consolidated Investments, Inc.?

Mr. Raddock. No, sir.

[fol. 15] Mr. Kennedy. The Mid-City Investments, Inc.?

Mr. Raddock. No, sir.

Mr. Kennedy. The State Sibly Corp.?

Mr. Raddock. No, sir.

Mr. Kennedy. Do you know of Mr. George Holdstein?

Mr. Raddock. No, sir.

Mr. Kennedy. Do you know of a Mr. Charles Bluck?

Mr. Raddock. No, sir.

Mr. Kennedy. Have you ever had any conversations regarding either one of those two individuals?

Mr. Raddock. I don't know any of those names.

Mr. Kennedy. Do you know a Norman Leavenberg of the Mid-City Investments?

Mr. Raddock. No, sir.

Mr. Kennedy. Do you know a gentleman or heard discussion of a gentleman by the name of A. Martin Katz?

Mr. Raddock. No, sir.

Mr. Kennedy. Do you know Al Weinstein?

Mr. Raddock. No, sir.

Mr. Kennedy. Do you know Metro Holovachka, the county prosecutor at Lake County, Ind.?

(The witness conferred with his counsel.)

Mr. Raddock. On the advice of counsel I refuse to answer the question on the ground that it may tend to make me a witness against myself.

Mr. Kennedy. You know this is a government official in Lake County, Ind., and you refuse to tell us even whether you know him on the ground that it may tend to incriminate you?

He is a county official.

Mr. Raddock. The answer is still the same, Mr. Kennedy. Do you wish me to repeat the entire answer?

Mr. Kennedy. Yes, would you?

Mr. Raddock. On advice of counsel, I refuse to answer the question on the ground that it might tend to make me a witness against myself.

The Chairman. Do you know whether he is still the county prosecutor in that county, Lake County? If I under-[fol. 16] stand you correctly, you have taken a position you could not state whether you know this official, this county official, you could not make a statement as to whether you know him or do not know him, without tending to incriminate you. I just asked a question as to whether you know he is still a county official. I am not sure. Do you know whether he is still a county official?

Mr. Raddock. Senator, on the advice of counsel, I refuse to answer the question on the ground that it might tend to make me a witness against myself.

The Chairman. Let me ask you this question: Do you state under oath that you honestly believe that if you gave a truthful answer to the question, that the truth might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. Raddock. Yes, sir.

The Chairman. You honestly believe that?

Mr. Raddock. Yes, sir.

The Chairman. Of course, you, having the facts, would know better than I whether your acquaintance with him might tend to incriminate you. So you state it under oath.

The record will stand that way.

Proceed, Mr. Kennedy.

Mr. Kennedy. Do you know Mr. Michael Sawochka, of Gary, Ind.?

Mr. Raddock. On the advice of counsel, Mr. Kennedy, I refuse to answer the question on the ground that it may tend to make me a witness against myself.

Mr. Kennedy. Do you know Mr. Sawochka as the secretary-treasurer of Local 142 of the Teamsters, in Gary, Ind.?

Mr. Raddock. On the advice of counsel, I refuse to answer the question on the ground that it may tend to make me a witness against myself.

The Chairman. Mr. Raddock, you have answered very freely all questions up to now, and answered some of them at considerable length. I don't know what is to be implied from this immediate change of attitude. It is your privilege to take the Fifth Amendment if you honestly believe that

[fol. 17] answering the questions truthfully might tend to incriminate you.

I am hopeful that you would continue as you did yesterday to be cooperative with the committee and give it all information within your knowledge.

Proceed, Mr. Kennedy.

Mr. Kennedy. Do you know what the relationship is between Mr. Sawochka, the Teamsters official, and Mr. Holovachka, the County Prosecutor of Lake County?

Mr. Raddock. On the advice of counsel I decline to answer on the ground that to do so might tend to make me a witness against myself.

Mr. Kennedy. Was Mr. James Hoffa contacted in connection with the matters dealing with the Carpenters in Lake County, Ind.?

Mr. Waldman. May I say that it would seem to me that I would have to advise the witness on this, and I certainly don't understand what that refers to, the matters dealing with the Carpenters.

Mr. Kennedy. I will go on. The question was not clear, is that right?

Mr. Waldman. It wasn't to me, to the extent that I could properly advise the witness.

Mr. Kennedy. All right.

Certain matters dealing with the purchase and sale of land in Indiana were being presented to a grand jury in Lake County, is that correct, Mr. Raddock?

(The witness conferred with his counsel.)

Mr. Raddock. On the advice of counsel, I decline to answer on the ground that to do so might make me a witness against myself.

Mr. Kennedy. Was Mr. Hoffa's help or assistance requested in connection with the possible indictments that were to arise out of that case?

Mr. Raddock. On the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

Mr. Kennedy. Isn't it correct that Mr. Hoffa was contacted and he, in turn, contacted Mr. Sawochka in Lake County, of the Teamsters Union in Lake County?

[fol. 18] Mr. Raddock. On the advice of counsel, Mr. Kennedy, I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. Let me ask you this: Do you have any knowledge of such a contact having been made?

Mr. Raddock. Senator McClellan, on the advice of counsel I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. Do you honestly believe that if you answered that question truthfully, the truth might tend to incriminate you?

Mr. Raddock. Yes, sir.

The Chairman. You honestly believe that?

Mr. Raddock. Yes, sir.

The Chairman. Proceed.

Mr. Kennedy. Mr. Chairman, could I read a short statement in background of this situation to clarify it?

The Chairman. So that there will be no doubt as to the subject matter being inquired into, and so that the witness may be so apprised, you may read some background information, not as testimony, but upon which to predicate further testimony.

Mr. Kennedy. In May and June of 1957, hearings were held before the Gore committee, concerning the purchase of land along a proposed right-of-way in Lake County, Ind., by certain individuals, including Frank Chapman, who was the general treasurer of the Carpenters International.

The Chairman. Is that a right-of-way for a highway for a public highway?

Mr. Kennedy. That is correct. And the purchase that was being looked into was the purchase that was made in June of 1956.

Involved in this situation, along with Chapman, were Maurice A. Hutcheson, general president of the Carpenters, and O. William Blaier, second general vice president. Within several months after the purchase of the land, it was sold to the State for the highway at a \$78,000 profit on a \$20,000 investment.

[fol. 19] Part of the proceeds of the profits were allegedly paid by Chapman to the Indiana Highway Commission,

and a deputy in the right-of-way office of the Indiana Highway Department.

Hutcheson, Blaier, and Chapman invoked the fifth amendment before the Gore committee on this matter. This whole situation was presented to the Lake County grand jury by Metro Holovachka, the county prosecutor, commencing July 22, 1957.

The grand jury recessed on July 23, and thereafter considered the matter for an additional day on August 19, 1957.

Hutcheson, Blaier, and Chapman did not appear before the grand jury because Holovachka did not subpoena them, or could not."

The Court: At this time, the Court will take a brief recess and try to locate lawyers in another case and then we will resume.

(Thereupon a short recess was taken.)

The Court: All right. Let's go ahead with this.

By Mr. Hitz:

Q. Do you know where you left off, Mr. Tierney?

A. I do.

Q. Will you continue?

A. (Reading:)

"Hutcheson, Blaier, and Chapman did not appear before the grand jury because Holovachka did not subpoena them, or could not. On August 20, 1957, Holovachka announced that no indictments of the Carpenters' officials as well as others involved would be forthcoming because 'A lack of jurisdiction.' Moreover, through an attorney whom Holovachka refused to identify, the Carpenters' officials made restitution to the State of the \$78,000 profit made on the deal.

Subsequently, Mr. Chairman, these three individuals as well as certain of the State officials, were indicted in an adjoining county, Marion County, in the State of Indiana on this deal.

We are inquiring into the situation in connection with the presentation before the grand jury in Lake County, Ind.; the intervention by certain union officials into that matter, and the part that was played by Mr. Hutcheson himself, Mr. Sawochka, the secretary-treasurer of local 142 of the Teamsters, and Mr. James Hoffa, the international president of the Teamsters.

[fol. 20] The Chairman. Is there some information that either union funds were used in the course of these transactions or that the influence of official positions of high union officials was used in connection with this alleged illegal operation?

Mr. Kennedy. We have information along both lines, Mr. Chairman, not only the influence but also in connection with the expenditure of union funds.

The Chairman. In that respect, then, it would be similar to the instance down in Tennessee, where we found union funds, some \$20,000, being used in a manner unaccounted for; is that correct?

Mr. Kennedy. That is correct.

The Chairman. I believe subsequently it has developed that one of the union officials down there who took the privilege of the fifth amendment before this committee has subsequently acknowledged in an official tribunal, before the senate sitting as an impeachment court in the State of Tennessee, that the \$20,000 was used for an illegal purpose; is that correct?

Mr. Kennedy. That is correct; for the purpose of fixing his case.

The Chairman. For fixing a case where there were some 13 union officials involved and indicted.

Mr. Kennedy. That is correct.

The Chairman. That is the interest of this committee in a transaction of this kind or alleged transaction of this kind, to ascertain again whether the funds or dues money of union members is being misappropriated, improperly spent, or whether officials in unions are using their position to intimidate, coerce, or in any way illegally promote transactions where the public interest is involved.

Mr. Raddock, you have heard a background statement. That is not evidence, but it is information, however, which

the committee has, regarding this matter out there. The committee is undertaking to inquire into this in pursuit of the mandate given to it by the resolution creating the committee.

It is our duty to inquire into it. If you have information, [fol. 21] and apparently you have because you say if you give it, it might tend to incriminate you, may I say to you that you have an opportunity here now, if you have information that will throw any light on this, you have an opportunity now to render a service to your country, to union members, to honest, decent unionism as such, and also to law and order in this country, if you will cooperate and give the information and the facts you have which are within your knowledge.

I will ask you if you are willing to do that.

(The witness conferred with his counsel.)

Mr. Raddock. Mr. Chairman, I would like to make it clear for the record, for the press and for the American people that I, too, love my country above everything else; that I am a devotee of honest, clean, genuine, and bona fide trade unionism, and concerned with the American people and the rank and file of labor.

But on the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. Well, I believe you said you loved your country above everything else. I was hoping that your co-operation would clearly confirm that statement. You have the right, of course, if you honestly believe that if you told the truth the truth might tend to incriminate you, you have the right under the laws of this country, under its constitution, to withhold the facts that you have.

I was hoping it wasn't that serious. I am really disappointed that it is. I was hopeful that you could cooperate with us and help us get leads here and evidence that would help to expose those who may have engaged in criminal acts, those who may have abused their position and their authority and as union officials, and who may have brought discredit upon one of the large international unions of this

country, and that you might be helpful in securing the measure of law enforcement that helps to preserve this country that you profess to love.

(The witness conferred with his counsel.)

Mr. Raddock. Mr. Chairman, on advice of counsel I decline to answer on the ground that to do so might tend to make me a witness against myself.

[fol. 22] The Chairman. Mr. Kennedy, do you have other questions along this line?

Mr. Kennedy. Yes, Mr. Chairman. We have some information, Mr. Chairman, which I would like to ask Mr. Raddock about in connection with this matter, the part that he personally played in the situation.

The Chairman. All right. If we have information of this witness' connection with anything within the jurisdiction of this committee, about which we are concerned here, in inquiring into, you may ask the witness the questions. He has his right, which he may exercise, but I think the record should be made. At this time, the Chair would like to announce that this prosecuting attorney or county attorney, Mr. Metro Holovachka, has been notified by the committee by telegram dated June 17, 1958, which telegram was delivered to Mr. Holovachka on the 21st of June at 2:30 p.m. He was invited, among other things, as the telegram says, after advising him—and this may be printed in the record, this telegram, and the certification of the delivery by the Western Union at this point—I will read this for the information of those interested:

This is to advise you that the public hearings will be held at 10 a.m. on or about June 24, 1958, at which time it is expected that information reflecting upon you will be developed. You will be afforded an opportunity to testify if you so desire. If you do desire to testify, it is requested that you advise me by collect wire at room 101, Senate Office Building, in order that we may inform you of the exact time and date of the hearing.

That was signed by chief counsel of the committee.

(The document referred to follows:)

Select Labor Committee

Official Business

June 17, 1958

(Please confirm delivery)

Mr. Metro Holowachka
7321 Oak Avenue, Gary, Ind.:

This is to advise you that public hearings will be held at 10 a.m. on or about June 24, 1958, at which time it is expected [fol. 23] that information reflecting upon you will be developed. You will be afforded an opportunity to testify if you so desire. If you do desire to testify, it is requested that you advise me by collect wire at room 101 Senate Office Building in order that we may inform you of the exact time and date of the hearing.

Robert F. Kennedy,

Chief Counsel, Senate Select Committee on Improper Activities in the Labor or Management Field.

(Western Union Telegram)

Washington, D. C., June 17, 1958.

Robert F. Kennedy,

Chief Counsel, Senate Office Building, Washington, D.C.:

Your telegram June 17 to Metro Holowachka, 7321 Oak Avenue, Gary, Ind., is undelivered. Addressee is out of the city until Saturday. Your message will be delivered upon his return.

Western Union

(Western Union telegram)

Gary, Ind., June 21, 1958.

Robert F. Kennedy,

Chief Counsel, Senate Select Committee on Improper Activities in the Labor or Management Field, Washington, D.C.:

Your telegram 17th Metro Holowachka, 7321 Oak Avenue, deled 230 pme est (personally).

Western Union

The Chairman. Have you received a wire or message from Mr. Holovachka since the telegram was delivered?

Mr. Kennedy. No, Mr. Chairman, he has not contacted us since that telegram was delivered. At an earlier time we had informed him verbally that we had expected to develop matters along this line, and he indicated he was not going to come before the Committee.

The Chairman. The only reason I make this a part of the record at this time, I may say, is because in the Tennessee investigation, in which Judge Schoolfield's name [fol. 24] came into the hearing and derogatory testimony was developed with respect to him, or testimony brought his name into the hearing, he was advised by wire, and also by telephone conversation, that there would be information that might reflect upon him developed by the committee, and he was invited to be present.

Thereafter, some suggestion was made that he should have been subpoenaed. In a matter of this kind, it is the Chair's feeling, at least, unless we have reason to believe they would give testimony and not just invoke the fifth amendment, it is not necessary to put the Government to that expense.

If they do not care to come and testify after being invited, then we can determine later whether a subpoena is warranted. But we do not want to be unfair to anyone, and where we have advance knowledge that testimony will be given that will reflect upon an official of the Government or of a State, or subdivision thereof, we feel it proper to advise them and give them the opportunity to be heard if they so desire.

All right, Mr. Kennedy, proceed.

Mr. Kennedy. Mr. Chairman, we have information that Mr. Raddock registered at the Drake Hotel on August 11, 1957, with Mr. Hutcheson.

Is that correct, Mr. Raddock?

The Drake Hotel in Chicago, Ill.

Mr. Raddock. On the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

Mr. Kennedy. And that his transportation to that hotel and his stay at the hotel was paid for out of Carpenter funds.

Is that correct, Mr. Raddock?

(The witness conferred with his counsel.)

Mr. Waldman. There is some doubt. When you say his transportation and hotel, do you mean, by his, Mr. Raddock's?

Mr. Kennedy. Yes, Mr. Raddock's.

Mr. Raddock. On the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. May I ask you, Mr. Raddock, if, on other [fol. 25] occasions, you have performed services for the Carpenters' Union?

(The witness conferred with his counsel.)

Mr. Raddock. Yes, sir, Senator McClellan.

The Chairman. You have performed services for the International Brotherhood of Carpenters on other occasions, for which you have been paid and for which you have received your expenses, is that correct?

(The witness conferred with his counsel.)

Mr. Raddock. In the year 1956, I was paid for services in connection with the all-year-long 75th anniversary celebration and regional conferences held throughout the United States and Canada.

The Chairman. Were your travel expenses paid by the Carpenters' Union in connection with those services?

(The witness conferred with his counsel.)

Mr. Raddock. Your question was travel expenses and—

The Chairman. Travel expenses and hotel bills incident to the performing of the services for which you were employed. Were your expenses, travel expenses, hotel bills,

and incidental expenses connected with the services rendered, paid by the Carpenters' Union?

Mr. Raddock. During the year 1956, the Carpenters' Union paid a portion of hotel bills, I believe, and some travel expenses for myself and some other members of my staffs.

The Chairman. In connection with the work—

Mr. Raddock. With the 1956 yearlong celebration and regional conferences.

The Chairman. Well, that was in connection, I say, with work you were performing for the Carpenters' Union, is that correct?

Mr. Raddock. Precisely as I outlined them.

The Chairman. Well, I think I understood you.

Mr. Raddock. Yes, sir, Senator McClellan.

The Chairman. So your expenses were paid.

And it would be proper, I think, if you were performing the services. There is nothing improper about it. The only question is if you have been performing services for them and have been paid for them. We asked a question about—[fol. 26] on this particular occasion of August 11, 1957, if you registered at the Drake Hotel in Chicago, along with Mr. Hutcheson of the Carpenters' Union, and if your expenses, your travel expenses and hotel bills were paid for that trip and for whatever services you performed at that time.

Are you prepared to answer that?

(The witness conferred with his counsel.)

Mr. Raddock. On the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. The other services that you performed, that you have testified to, for which you were paid, there was nothing in connection with that, I believe, then, that causes you to feel that if you told the truth about it you might be a witness against yourself, is that correct?

(The witness conferred with his counsel.)

Mr. Raddock. If I understood you correctly, Senator, anything that I answered previously regarding my services

to the United Brotherhood of Carpenters and travel and other expenses therefor, are correct.

The Chairman. I hand you here, then, a photostatic copy of your registration at the Drake Hotel on the 8th and 15th, I believe, in 1957; is that correct—yes—together with the bill rendered by the hotel for your stay there, and ask you to examine it and state if you identify your registration card and also the bill rendered for your expenses, your hotel bill and so forth, while there.

I ask you to examine them and state if you identify them.

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

Mr. Raddock. Mr. Chairman, on the advice of counsel I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. The hotel bill and the registration certificate may be made Exhibits Nos. 45 A and B.

(The documents referred to were marked 'Exhibits Nos. 45 A and B' for reference and may be found in the files of the Select Committee.)

[fol. 27] The Chairman. I believe the hotel bill shows that it was signed for, or approved by Mr. M. A. Hutcheson.

Is that correct? It shows that you registered as representing the firm of United Brotherhood of Carpenters and Joiners of America.

Is that correct, Mr. Raddock?

Mr. Raddock. On the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. Is this your handwriting on the registration certificate, Mr. Raddock?

Mr. Raddock: On the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. I believe the hotel bill totals some \$147.10. Was that hotel bill paid by you or was it paid by the Brotherhood, the International Carpenters and Joiners.

Mr. Raddock. On the advice of counsel, Mr. Chairman, I respectfully decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. Were you in the employ of the United Brotherhood of Carpenters and Joiners of America at the time you took this trip to Chicago, and at the time you incurred this hotel bill?

Mr. Raddock. On the advice of counsel I decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. If you were in their employ, as this indicates, or that your expenses were being paid, will you tell us what kind of service you were employed to render at that time?

Mr. Raddock. On the advice of counsel, I decline to answer on the ground that to do so might make me a witness against myself.

The Chairman. Mr. Raddock, you have answered other questions regarding the work you did for the same international union, and stated that you got paid for it, and got your expenses for it.

I assume, then, of course, where you answered with respect to that, there was nothing connected with your employment that might tend to incriminate you, or cause you to be a witness against yourself by answering truthfully about it.

[fol. 28] Now we reach this point where you are apparently on a mission for this international union, and your expenses are being paid. Now you state, if I understand you correctly, that if you answered truthfully regarding this trip, this mission, the services rendered, and accepting expenses for it, that if you answered truthfully, the truth might tend to incriminate you; is that correct?

(The witness conferred with his counsel.)

Mr. Raddock. Yes, sir, Senator.

The Chairman. Well, that is a very sad situation. Here is a great international union. The officers have tremendous responsibility. They are in a position of great and sacred trust, I would say, to literally thousands upon thousands of working people in this country who are members of that

union, who support it. Here we have now expenditures being made over the authority or authorization of the president of that great international union, expenses being paid for services, I assume, rendered, where the one who performs the service and who receives the expenses states that if he told the truth about it, that is, as to the kind of service he was to perform, or what he was employed to do, or having accepted and received the expenses incurred in connection with that service, if he told the truth about it, it might tend to incriminate him.

That cannot help—without being explained, it cannot help but be a reflection upon the management of that union.

It is those things that has given the country as well as this committee and the Congress grave concern about how some affairs of unions are today being conducted.

I should hope that you would reconsider and be able to help the committee and give us the truth about it.

If Mr. Hutcheson, and the services you were engaged in, that you were employed to perform, and the expense that he authorized here and paid out of union funds were for legitimate reasons, I would be hopeful that you would give us an explanation of it.

Can you do that?

(The witness conferred with his counsel.)

[fol. 29] Mr. Raddock. Senator, on the advice of counsel, I must respectfully decline to answer on the ground that to do so might tend to make me a witness against myself.

The Chairman. I am compelled, and I think everyone who listens or who may read this transcript is compelled, to the conclusion that you are being truthful at least about taking the fifth amendment, and that if you did tell the truth, it might tend to incriminate you, and also those of the union who are responsible for and who authorize the services you performed.

I will have to let the record stand that way, unless you wish to correct it by sworn testimony.

Mr. Waldman. Well, I assume the record needn't show that the courts have held that the plea of the privilege did not indicate an admission on the part of the witness—

The Chairman. The attorney can take judicial notice of that as I do. I said he had a right to take it under the Constitution, and the committee needs no lecture at this late hour in its work with respect to what the fifth amendment is and the privilege of taking it.

Let's proceed.

Mr. Kennedy. You were in Chicago on August 11, 1957; it was there, was it not, that the contract was made with Mr. Hoffa?

Mr. Raddock: On the advice of counsel, I decline to answer on the ground that to do so might tend to make me a witness against myself.

Mr. Kennedy. And you were there on August 11 and August 12 at this hotel, were you not, the Drake Hotel?

Mr. Raddock. On the advice of counsel I again respectfully decline to answer on the ground that to do so might tend to make me a witness against myself.

Mr. Kennedy. The contact was made with Mr. Hoffa during that period of time, and he agreed at that time that he would contact Mr. Sawochka, the local teamster official in Gary, Ind., is that correct?

(The witness conferred with his counsel.)

Mr. Raddock. On the advice of counsel, Mr. Kennedy, I [fol. 30] decline to answer on the ground that to do so might tend to make me a witness against myself.

Mr. Kennedy. Didn't you then, on August 13, contact Mr. Sawochka yourself?

(The witness conferred with his counsel.)

Mr. Waldman. Mr. Chairman, Mr. Raddock has a very sore throat which he got in part from his full day's testimony yesterday. May he be permitted to just say the same answer in the light of that?

It is very difficult for him to testify.

The Chairman. Are you suffering from a severe throat ailment?

Mr. Raddock. Yes, sir, Senator. I don't know how severe it is, but it does hurt.

The Chairman. It hurts! It is painful to you when you

invoke the fifth amendment by repeating the 'on the advice of counsel' statement?

Mr. Raddock. As one American to the other, Senator, I have always answered you most respectfully. But I do have a sore throat which is an ailment that can overtake humans when they talk freely as I did all day yesterday, from 10 to 4, only to have a stellar performance follow me which I still haven't had a chance to refute.

The Chairman. Well, we are giving you every opportunity now, and the Chair was simply trying to ascertain from you if it would add to your comfort and help you in giving your testimony if the Chair simply permitted you to state 'The same answer,' with the understanding that 'the same answer' would be 'on the advice of counsel' as you have quoted a number of times. I am trying to make this record so there would be no doubt about it. I am trying to be considerate.

Mr. Raddock. As I said yesterday, you are most considerate, Senator, you are the perfect gentleman from Arkansas. But my throat does hurt me slightly, and I would appreciate it if I could make my answers on this subject briefer.

Mr. Kennedy. I wish you had said that yesterday.

Mr. Waldman. His throat didn't hurt yesterday.

The Chairman. I don't want to ever be unfair to anyone, whether it is a physical ailment or suffering. I don't [fol. 31] want to be unfair or unduly exacting. It is quite proper, however, for the taking of the privilege to be stated clearly so there can be no misunderstanding about it.

The understanding, and with your acquiescence in it, that you do state each time when you say 'I give the same answer,' you refer to the statement you have been reading, 'on the advice of counsel' which says that you decline on the ground that to do so might be giving evidence against yourself.

(The witness conferred with his counsel.)

Mr. Raddock. That is agreeable, Senator.

The Chairman. All right.

Since the committee is being very considerate of you,

won't you be a little more considerate of us and more cooperative?

This is not pleasant, what we are having to do. I think one favor deserves another. Can you now be cooperative with us?

Well, all right, proceed.

Mr. Kennedy. We had you contacting Mr. Sawochka on August 13.

Can you tell us what you discussed with him at that time?

(The witness conferred with his counsel.)

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And then several times again on August 14 you contacted him?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Then you went down to Gary, Ind., and consulted with him, did you not?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Would you tell the committee how it was going to be arranged between you and Mr. Sawochka to make the approach to the prosecuting attorney?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Was Mr. Joseph P. Sullivan, who was the attorney for local 142, brought in on this matter?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Do you know Mr. Joseph P. Sullivan?

[fol. 32] Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And at the same time as being the attorney for local 142, was he also an assistant county prosecutor?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. So were discussions held with Mr. Sullivan also?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Were most of those conversations held by Mr. Sawochka with Mr. Sullivan?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. There was discussion at that time, was there not, about having no indictments against Mr. Hutchinson, Mr. Chapman, and Mr. Blaier?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Was it discussed at that time the reim-

busement to Mr. Holovachka for not indicting Mr. Chapman, Mr. Blaier, and Mr. Hutcheson?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Was there going to be another land operation so that Mr. Holovachka could be reimbursed?

(The witness conferred with his counsel.)

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Did you return, then, to your home in, your residence, Mamaroneck, around August 17, 1957?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And your air transportation back to New York from Chicago was paid by the Carpenters, was it not?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And when you returned home to Mamaroneck on August 17, didn't you call Mr. Sawochka at his residence in Gary, Ind., at 9:36 p.m. and speak for 17 minutes?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And shortly after you talked to Mr. Sawochka, didn't you call Mr. Hutcheson at his residence in Indianapolis at 10:34 and speak to him for 4 minutes?

[fol. 33] Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. That is the information we have.

The Chairman. Have you checked the telephone records and that is what they reflect?

Mr. Kennedy. That is correct.

The Chairman. You appreciate, Mr. Raddock, that this information comes from the records of the telephone company. Would you want to refute it?

Mr. Raddock. The same answer.

The Chairman. Do you want to deny these records are correct?

Mr. Raddock. The same answer, Senator McClellan.

The Chairman. In this instance, I gather the impression from this background information and from your attitude about it, there was a conspiracy between those of you who were pursuing this project to obstruct justice, to prevent indictments being found against Mr. Hutcheson, Mr. Chapman, and Mr. Blaier. Is that a correct assumption?

(The witness conferred with his counsel.)

Mr. Raddock. The same answer, Senator McClellan.

Mr. Kennedy. Also at this period of time or perhaps possibly earlier, Mr. Charles Johnson was brought into the matter; is that right?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Do you know Charlie Johnson, vice president of the Carpenters?

Mr. Raddock. I know Charles Johnson, Mr. Kennedy.

Mr. Kennedy. Of the Carpenters' Union?

Mr. Raddock. Yes.

Mr. Kennedy. Did you discuss this matter with Charles Johnson of the Carpenters' Union?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Did he also discuss this with Mr. Hoffa?

Mr. Raddock. The same answer.

Mr. Kennedy. Did Mr. Johnson go to Gary, Ind., with you?

Mr. Raddock. The same answer, Mr. Kennedy.

[fol. 34] Mr. Kennedy. Our information is that Mr. Johnson went to Gary, Ind., himself.

Could you tell the committee why he went to Gary, Ind., sir?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. On August 18, 1957, you called Mr. Sawochka again at 12:28 p.m. and spoke to him for 5 minutes, is that right?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Then on August 19 you called him—this was the day before the prosecuting attorney announced, Mr. Chairman, that there would be no indictments, this is on August 19—and did you then talk to him, Mr. Sawochka? At the Lake Hotel Building in Gary, Ind., for 7 minutes?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And then did you return to Chicago on that date, August 19, at Carpenter expense and register once again at the Hotel Drake?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. Our information is that you did. Is that correct?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. What were you doing out in Chicago at that time, in August, August 19?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And during this period of time you were keeping in touch with Mr. Hutcheson, were you not, and keeping him advised as to what you were doing?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. And the prosecuting attorney made his announcement on August 20, 1957, is that right, that there would be no prosecution?

Mr. Raddock: The same answer.

Mr. Kennedy. Did you then continue to be in touch with Mr. Sawochka?

Mr. Raddock. The same answer.

Mr. Kennedy. Could you tell us what you were discussing with Mr. Sawochka after August 20?

[fol. 35] Mr. Raddock. The same answer.

Mr. Kennedy. Were there certain financial arrangements that needed to be ironed out after August 20?

Mr. Raddock. The same answer.

Mr. Kennedy. What part did you play in the restitution of the \$78,000 to the State of Indiana?

Mr. Raddock. The same answer.

Mr. Kennedy. Did you handle that for the Carpenters?

Mr. Raddock. The same answer.

Mr. Kennedy. Could you tell the committee how you got involved in that yourself?

Mr. Raddock. The same answer.

Mr. Kennedy. Did you handle any of this money which was restored to the state?

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. In fact, you were employed to fix this case, were you not, Mr. Raddock?

(The witness conferred with his counsel.)

Mr. Raddock. The same answer, Mr. Kennedy.

Mr. Kennedy. That is all for now, Mr. Chairman.

The Chairman. Do you wish to make any statement?

Mr. Raddock. Senator McClellan, I appreciate your gesture very much. I would like to prepare in the next few hours a factual statement concerning yesterday's testimony.

The Chairman. You will be recalled again. I just wanted to know whether you wanted to make any statement now in

connection with these matters about which you invoked the fifth amendment.

You will be given another opportunity to testify, but I just wondered now, after the questions have been asked you which carry with them very definite implications that would implicate you in an enterprise or in a project that would be improper insofar as the use of union funds in the judgment of the Chair, at least, I wondered if you wanted to clarify or make any statement in your own interest or to help the efforts of the committee with respect [fol. 36] to the matter about which you have been interrogated here this morning.

Mr. Raddock. No, sir, Senator McClellan; and I thank you very much for your kindness.

The Chairman. All right. You may stand aside for the present. Call the next witness.

Mr. Kennedy. Mr. Chairman, we have an affidavit which would be of some interest in connection with this matter.

Mr. Waldman. Is it my understanding that the witness is directed to remain?

The Chairman. Yes; we are going to try to conclude, but we may need him.

Senator Curtis. May I ask 2 or 3 questions?

The Chairman. Pardon me, Senator Curtis."

Mr. Tuttle: May I interpose at this moment because the questions that are about to be asked are on an entirely different line and have to do with the book which has been referred to as "The Portrait of an American Labor Leader" and the saga of the United Brotherhood of Carpenters and Joiners of America. It is my position that the interrogation concerning that book which, at a later point, is developed at considerable length, is wholly extraneous to this matter of what is referred to by Mr. Kennedy and the Chairman as the land matter, the highway matter out in Indiana and the questions that are the subject of the pending indictment before Your Honor in no way relates to this book.

I say that the inquiries concerning the book of Mr. Raddock and of others occupy a vast space in this record so that I am not in the position of merely objecting to two or three casual questions on that subject but to an immense

line of inquiry which has no connection at all with the land matter here at this particular instance of just one or two questions by Mr. Curtis which he injected after the witness had been excused by the Chairman.

They are minor questions but I didn't want to have them read into this record so as to create the impression that I am taking any position as to this book other than the one of opposing all of the questions asked by the Committee concerning it on the ground they are irrelevant and immaterial and in no way affecting the propriety of the witness' refusal to answer the questions which are set forth in the indictment and which relate to entirely different matter.

So far as these particular questions are concerned, there are just two or three. They may perhaps be read but I do not wish to have my position obscured about the book.

Your Honor may desire to rule on that question when the bulk of the questions concerning the book come along which will be later.

Mr. Hitz: I have nothing to say. I don't understand Mr. Tuttle to object to this. I understand he just wants to state his position.

The Court: I understand that he is objecting to it on the ground of its relevance. Though he is insisting because there is not ~~any~~ mass of that testimony now, he is not making such a strenuous objection as he will when the testimony that he does object to assumes greater proportions. That is what I think he said.

Mr. Tuttle: Your Honor has exactly stated my position. I do not like to quibble over two or three questions that were injected and make a point of those provided my position about them is thoroughly understood.

Mr. Hitz: Mr. Tuttle has been addressing himself to either 12 or 15 lines of testimony and after those lines of testimony, I mean actually lines in this book—after that it is agreed by Mr. Tuttle and myself we would proceed to read to the end of Mr. Raddock's testimony.

Mr. Tuttle: May I suggest to Mr. Hitz, Your Honor, that he can cut this Gordian knot by leaving out those questions by Mr. Curtis and proceed to where we are agreed he may continue the reading.

Mr. Hitz: We intend to offer all of the testimony of Mr. Hutcheson in this volume and at that time it will be the testimony that was given with respect to the biography that was written and delivered by Mr. Raddock. It shows the beginning, as far as the Union funds are concerned and so far as the Committee was aware, of the connection between Mr. Raddock and Mr. Hutcheson, its present president, and the defendant and the Union funds that were funneled toward Mr. Raddock. I think it is extremely important, both to the understanding of the context and also [fol. 38] to the particular indictment in question.

There are only one or two questions here. We contend they are admissible here and will be later. They could have been read many times over since the interruption, if I may put it that way.

Mr. Tuttle: Now, wait a moment. I didn't mean to interrupt for the sake of interrupting. I am merely trying to protect my position and I had hoped that Mr. Hitz would aid us in cutting the Gordian knot by leaving the whole issue to be discussed when the bulk of the questions come on the subject of the book and he says they will come and I know he is right in that respect and, at that point, I will ask the privilege of being heard and I know Your Honor will hear, as Your Honor said, any objections. It is immaterial and irrelevant and has no bearing on the indictment.

The Court: Which will get us along quicker, to go ahead and read this with the understanding that if your objections ultimately are sustained that this part of it be stricken or to debate the question now and get it settled so as to cut out this if I rule it should not be admitted?

Mr. Tuttle: I understand that Your Honor will reserve on my objection and consider it later when the matter of the whole book comes under discussion.

The Court: All right, let's do it that way.

By Mr. Hitz:

Q. Mr. Tierney, will you continue to read?

A. (Reading:)

"Senator Curtis. Mr. Raddock, do I understand correctly that you made an intensive study and research of the history of the Carpenter's Union in preparation of your book?"

Mr. Raddock. That is correct, Senator Curtis.

Senator Curtis. Did you make a study of the finances of the Carpenter's Union?

Mr. Raddock. In a general way, since I am no fiscal expert.

Senator Curtis. Did you make a study of the growth of their wealth and their capital assets?

Mr. Raddock. In a superficial sense; yes.

Senator Curtis. And did that include their property [fol. 39] wherever it may be, including the State of Florida?

Mr. Raddock. That is correct.

Senator Curtis. Did you find that it was all accounted for and preserved for the benefit of the union throughout the years?

Mr. Raddock. In my estimate, most certainly so.

Senator Curtis. You found nothing to the contrary?

Mr. Raddock. Nothing to the contrary.

Senator Curtis. That is all.

The Chairman. I have an affidavit here which I believe you might be interested in, and might want to make some comment upon. This is an affidavit dated June 24, 1958, from Mr. John D. Hackett. It states:

(The document referred to follows:)

State of Indiana,

County of Marion, ss:

I, John D. Hackett, being duly sworn, upon my oath state that I am presently an employee on the staff of the Indianapolis Times, a newspaper of daily circulation located at Indianapolis, Ind.; that on August 19, 1957, I was employed as a reporter for the said Indianapolis Times newspaper at Indianapolis, Ind., and on said day was assigned to rewrite duty, and that on said day at 9:45 a.m. I did receive an anonymous phone call while stationed at my assigned desk in the offices of the Indianapolis Times, wherein such

anonymous phone call I did hear a male voice state the following:

'Thought you people would like to know that Gary Carpenter's case has been all taken care of by the Teamsters. There will be no indictment today. You can check the telephone room in Chicago and find that Max Rattock put through a call to Charles Johnson, Jr., last night. This came right after the Teamsters had a meeting in Gary last Wednesday night.'

At this point of the anonymous caller's statement, I stated to him:

'We are very much interested! Who are you and will you give me your name?'

[fol. 40] The same male voice then replied as follows:

'Me! I'm connected with it and I can't give you my name. Check it out and see.'

This was the end of the conversation with nothing more being said by either the anonymous male caller or myself, as the said anonymous caller terminated the conversation.

I hereby assert that the above facts, including conversation, are true in substance and in fact, as this affiant is informed and verily believes.

(S) John D. Hackett.

Subscribed and sworn to before me this 24th day of June 1958.

Olive Ella Ballard
Notary Public, Marion County, Ind.

My commission expires December 16, 1961.

The Chairman. Mr. Raddock, were you the one that made the anonymous call?

(The witness conferred with his counsel.)

Mr. Raddock. The same answer, Senator McClellan.

The Chairman. This says that Max Raddock put through a call to Charles Johnson, Jr., last night.'

Would you like to deny that?

Mr. Raddock. The same answer, Senator.

The Chairman. You don't want to deny it. I get some anonymous calls, too, you know, where things are said to you that may not be true.

This anonymous caller, if it wasn't you, yourself, certainly used your name here, according to this sworn testimony, and said you 'put through a call last night to Charles Johnson.' Would you want to deny that you did that?

(The witness conferred with his counsel.)

The Chairman. All right. Do you want to deny that you put through that call?

(The witness conferred with his counsel.)

Mr. Raddock. The same answer, Senator McClellan.

[fol. 41] The Chairman. This anonymous call here is quite significant.

Whoever did the calling evidently had the right information, because I believe it was the next day that it was announced officially that they would not be indicted. If you have some information about that that you think would be helpful to us, we would appreciate it if you would give it.

(The witness conferred with his counsel.)

Mr. Raddock. The same answer, Senator McClellan.

The Chairman. O.K. Is there anything further, Senator Curtis?

Senator Curtis. No.

The Chairman. All right. Stand aside for the present. Call the next witness.

Mr. Kennedy. Mr. Sawochka.

The Chairman. Be sworn, please. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Sawochka. I do.

TESTIMONY OF MICHAEL SAWOCHKA, ACCCOMPANIED BY
COUNSEL, HARRY CLIFFORD ALLDER

The Chairman. State your name, your place of residence, and business or occupation.

Mr. Sawochka. My name is Michael Sawochka, I reside at 2500 West 41st Avenue, Gary, Ind. I am secretary-treasurer of the teamsters Local 142.

The Chairman. Thank you very much.

You have counsel present?

Mr. Sawochka. Yes, sir.

The Chairman. Identify yourself, Mr. Counsel.

Mr. Allder. My name is Harry Clifford Allder, a member of the bar of Washington, D. C. I have an office at 401 Third Street, NW.

The Chairman. Proceed, Mr. Kennedy.

Mr. Kennedy. You are in the Teamsters Union, you are a member of the Teamsters Union?

Mr. Sawochka. Yes, sir.

[fol. 42] Mr. Kennedy. What union is it?

Mr. Sawochka. Teamsters 142. I am secretary-Treasurer.

Mr. Kennedy. How long have you held that position?

Mr. Sawochka. About 27 years.

Mr. Kennedy. You have been secretary-treasurer for 27 years?

Mr. Sawochka. Not as secretary-treasurer, but as an officer, steward, and finally secretary-treasurer.

Mr. Kennedy. How long have you been secretary-treasurer?

Mr. Sawochka. Since 1941.

Mr. Kennedy. And how often do they have an election in that local?

(The witness conferred with his counsel.)

Mr. Sawochka. Our elections in Local 142 over a period of years, Mr. Kennedy, have varied. At one time we had annual terms, and a change in 3 years, and now we elect our officers every 5 years.

Mr. Kennedy. When were you last elected.

Mr. Sawochka. I was elected in December of 1957.

Mr. Kennedy. Did you have an opponent, any opposition at that time?

Mr. Sawochka. I had no opponent.

Mr. Kennedy. Did you, prior to that time?

Mr. Sawochka. Yes. At one time. I was originally elected by one vote. Several years later I was defeated by 12 votes. I came back later on and won by a pretty decent majority and have been there since.

Mr. Kennedy. When was the last time you had opposition?

Mr. Sawochka. 1941.

Mr. Kennedy. 1941 was the last time you ever had opposition?

Mr. Sawochka. Yes. I might just say this, if I may, Mr. Chairman, that there has been times or occasions, rather, where there was someone nominated.

However, he was not eligible in accordance with the constitution of our organization.

But I have had actually no opposition since 1941.

Mr. Kennedy. Any opposition that has been nominated [fol. 43] has been ruled ineligible under the constitution; is that right?

Mr. Sawochka. Only one time, sir.

Mr. Kennedy. When was that?

Mr. Sawochka. That was in 1957.

Mr. Kennedy. 1957?

Mr. Sawochka. That is right.

Mr. Kennedy. Why were they ineligible?

Mr. Sawochka. Nonpayment of dues.

Mr. Kennedy. By the first of the month?

Mr. Sawochka. Our by laws provide our dues are payable quarterly in advance on or before the 15th day of the first month of each quarter, and this particular individual that was a potential candidate had not had his dues paid up for quite some time."

The Court: Mr. Tierney, try to find a convenient place to stop, will you? I have an executive meeting at one o'clock and I have got to eat lunch beforehand and several other things to do so I have got to take a recess as soon as I conveniently can.

Mr. Hitz: I believe four more lines ought to do it.

The Court: All right, finish up the four lines.

The Witness: (Reading:)

"Mr. Kennedy. How long had he been in the Teamsters?

Mr. Sawochka. I don't recall offhand.

Mr. Kennedy. A number of years!

Mr. Sawochka. Yes."

The Court: We will resume and I will have to recess until two o'clock on account of the executive meeting of the Judges.

(Thereupon, the trial was recessed at 12:20 o'clock p.m., until 2:00 o'clock p.m., of the same day.)

After Recess

(The Court reconvened, pursuant to luncheon recess, at 2:00 o'clock p.m.)

Thereupon PAUL J. TIERNEY resumed as a witness, and having been previously sworn, was further examined and [fol. 44] testified as follows:

Direct examination (resumed).

By Mr. Hitz:

Q. What page are you on?

A. Page 12034, at the bottom of the page.

Q. And we want you to read without omission.

A. (Reading:)

"Mr. Kennedy. Did you just purchase some property? Did your Teamsters Local just purchase some property out in Gary, Ind.?

(The witness conferred with his counsel.)

"Mr. Sawochka. Mr. Kennedy—

Mr. Kennedy. Let me see if I can get some answers from you. I will strike that question. Do you know the company called the 1300 Broadway Corp.?

(The witness conferred with his counsel.)

"Mr. Sawochka. At this time, Mr. Kennedy, on the advice of our counsel, I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Do you know the Mid-City Investments, Inc.?

Mr. Sawochka. At this time, on the advice of counsel, I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Did you just purchase some property from that company or purchase some property from that company for \$0,000?

Mr. Sawochka. At this time, on the advice—

Mr. Kennedy. With union funds. The union, did they just purchase some property from that company for \$40,000?

Mr. Sawochka. Again at this time, on the advice of counsel, I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Do you know Mr. Max Raddock?

Mr. Sawochka. On the advice of counsel, I respectfully decline to answer the question and exercise my privilege [fol. 45] under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Did Mr. Max Raddock speak to you about fixing the case of the Carpenters in Lake County?

Mr. Sawochka. At this time, on the advice of counsel, I respectfully decline to answer the question and exercise my privilege under the fifth amendment not to be a witness against myself.

The Chairman. The Chair will ask you if you honestly believe that if you gave truthful answers to these questions, that a truthful answer might tend to incriminate you.

Mr. Sawochka. Mr. Chairman, I honestly believe that if I am forced to answer the question, that I may be forced to be a witness against myself in violation of my rights and

privileges under the fifth amendment of the United States Constitution.

The Chairman. You state that you honestly believe that under oath!

I say, you state under oath that you honestly believe what you have just read there!

Mr. Sawochka. Yes.

The Chairman. Proceed.

Mr. Kennedy. Did you discuss the matter of the Carpenters' indictments with Mr. James Hoffa, the International President of the Teamsters?

Mr. Sawochka. On the advice of counsel, I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Did he tell you that you should give every assistance to Mr. Hutcheson or his representatives, Mr. Raddock, or Mr. Charles Johnson, Jr.?

Mr. Sawochka. Again on the advice of counsel, Mr. Kennedy, I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Didn't you then have conversations and conferences with Mr. Raddock and Mr. Charles Johnson?

[fol. 46] **Mr. Sawochka.** On the advice of counsel, I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. And didn't you have conversations directly with Mr. Hutcheson himself in connection with this matter?

Mr. Sawochka. Again on the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Would you tell us what your attorney, Mr. Joseph P. Sullivan, had to do with this matter?

Mr. Sawochka. On the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. Mr. Sullivan is attorney for your local; is he not?

(The witness conferred with his counsel.)

Mr. Sawochka. Again on the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The Chairman. I think that is a matter of full knowledge; if you want to take the position that to admit that he is an attorney for your local might tend to incriminate you—

Mr. Sawochka. I honestly believe, Mr. Chairman, that if I am forced to answer the question, I may be forced to be a witness against myself in violation of my rights and privileges under the fifth amendment of the United States Constitution.

The Chairman. The fact can easily be established, I think, by other proof. Proceed.

Mr. Kennedy. According to the information we have, Mr. Chairman, Mr. Sawochka was continuously in touch with Mr. Raddock during the period of time just prior to the indictment being dismissed, and for some period of time afterwards.

Isn't that correct?

[fol. 47] Mr. Sawochka. On the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. He contacted you continuously and you also contacted him; is that right?

Mr. Sawochka. Again, Mr. Kennedy, on the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. And you also made contacts with both Mr. Charlie Johnson, Jr., and Mr. Hutcheson in connection with this matter?

Mr. Sawochka. On the advice of counsel I respectfully decline to answer the question and exercise my privilege

under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. It is true, is it not, that you played a major role in the restitution of the money to the State of Indiana?

Mr. Sawochka. Mr. Kennedy, on the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The Chairman. Do you know the amount of money that was paid in restitution?

Mr. Sawochka. On the advice of counsel I respectfully decline to answer the question, and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The Chairman. Do you have any questions, Senator Curtis?

Senator Curtis. I think not.

Mr. Kennedy. Do you know Mr. Holovachka, the prosecuting attorney?

Mr. Sawochka. On advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. You personally contacted Mr. Holovachka [fol. 48] frequently during this period of time; did you not?

Mr. Sawochka. Again, Mr. Kennedy, on the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. And didn't you, starting on August 13, 1957, or thereabouts, call the prosecuting attorney, both at his office and at his unlisted telephone number?

Mr. Sawochka. On the advice of counsel I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. Kennedy. And wasn't this after you were contacted by Mr. Hoffa and Mr. Raddock?

Mr. Sawochka. On the advice of counsel, Mr. Kennedy, I respectfully decline to answer the question and exercise my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The Chairman. Are there any further questions?

If not, thank you.

Call the next witness.

Mr. Tuttle: May I at that point ask Mr. Hitz, with Your Honor's permission, to join me in clarifying that the Union fund referred to in the inquiry by Mr. Kennedy, where Mr. Kennedy says, "Did you just purchase some property from that company?" or purchase some property for that company for \$40,000 with Union funds?" that the Union funds referred to by Mr. Kennedy were Teamster funds?

Mr. Hitz: That is my understanding but I would like to get it from the witness.

That's correct, is it not?

The Witness: That's correct.

The Court: What kind of funds?

Mr. Hitz: Teamster Union funds, not Carpenter Union funds.

By Mr. Hitz:

Q. Will you read the next sentence, please?

A. (Reading:)

[fol. 49] "The Chair will state to the witness and his counsel, you may be recalled, but we hope to finish today. But you better wait."

Mr. Hitz: We just concluded reading on page 12037, Your Honor.

By Mr. Hitz:

Q. Now, that terminated for the 26th of June the testimony that is at all applicable to our trial here today, didn't it?

The rest was more or less administrative business for the committee, and so on!

A. That's correct.

Q. Or, at least, it didn't bear on this subject?

A. That's correct.

Q. Now, will you turn to page 12041:

Mr. Tuttle: With Your Honor's permission, Mr. Hitz, I don't believe you intended to say that that was all the testimony on June 26th because Mr. Blair testified on June 26th.

Mr. Hitz: Just a moment:

No, I did not mean to say that, and I will correct it, Your Honor.

On page 12041, which is the next bit of testimony that could have any bearing upon this matter, we are omitting the latter part of 12037, all of 12038 and 12039, and on page 12041 there is headed, "Monday, June 9, 1958, is there not, some testimony from Charles Johnson, Jr., which was read into this record, still having in mind that this is the hearing day of June 26, 1958:

Am I correct in that?

The Witness: That's correct.

By Mr. Hitz:

Q. And Mr. Johnson's testimony, although headed "June 9, 1958," for the reason I have indicated, goes on over to page 12045, at which point in this hearing record it is noted "Hearings of June 6, 1958, continued."

Actually this is merely an insert into the date of June 26th, isn't it, Mr. Tierney?

A. That's correct.

Q. And would you read this insertion of the earlier testimony of Mr. Johnson, Jr., as contained on page 12041?

A. (Reading:)

[fol. 50] "INVESTIGATION OF IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD.

(On June 9, 1958, Charles Johnson testified in executive session before the Select Committee on Investigation of Improper Activities in the Labor or Management Field. This testimony was made public by the members of the select committee on July 26, 1958, and follows below)

Monday, June 9, 1958

United States Senate,

Senate Select Committee on Improper Activities, in the
Labor or Management Field, Washington, D. C."

Mr. Hitz: Excuse me a moment:

With Mr. Tuttle's agreement, if I have it, I think we can admit the information as to where it took place and who was present. We don't have any quorum there.

Mr. Tuttle: Certainly.

You can start right in, if you wish, at the top of 12042.

Mr. Hitz: I wonder if we can't get Mr. Johnson under oath here.

Mr. Tuttle: Oh, yes.

By Mr. Hitz:

Q. Begin reading where it says "The Chairman. The hearing will be in order," just below the middle.

A. (Reading:)

"The Chairman. The hearing will be in order.

Mr. Kennedy. Mr. Charlie Johnson.

The Chairman. All right, Mr. Johnson.

Be sworn, please.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God!

Mr. Johnson. I do.

**TESTIMONY OF CHARLES JOHNSON, JR., ACCOMPANIED
BY COUNSEL, F. JOSEPH DONOHUE**

(Other counsel present during the taking of the testimony were Charles B. Tuttle, of Breed, Abbott & Morgan, [fol. 51] 15 Broad Street, New York, N. Y., Francis X. Ward, general counsel, United Brotherhood of Carpenters and Joiners of America, Indianapolis, Ind., 222 East Michigan Street, Indianapolis, Ind.; and Thornton C. Land, of Breed, Abbott & Morgan, 15 Broad Street, New York, N. Y., of counsel for the United Brotherhood of Carpenters and Joiners of America.)

The Chairman. State your name, your place of residence, and business or occupation.

Mr. Johnson. Charles Johnson, Jr., 1025 Fifth Avenue, New York, N. Y. I am president of the New York District Council of Carpenters.

The Chairman. Mr. Reporter, read to Mr. Johnson and his counsel the preliminary statement made by the Chair and the chief counsel at the beginning of this session.

(The preliminary statement was read by the reporter, as requested.)

The Chairman. Mr. Johnson, you have counsel present?

Mr. Johnson. I do, sir.

The Chairman. Identify yourself for the record, please.

Mr. Donohue. I am F. Joseph Donohue, a member of the bar of the District of Columbia. I appear as counsel for Mr. Johnson.

The Chairman. All right, Mr. Kennedy, proceed.

Mr. Kennedy. Mr. Johnson, how long have you been with the Carpenters' Union?

Mr. Johnson. 44 years.

Mr. Kennedy. You are familiar with the fact, are you not, that Mr. Hutcheson, Mr. Chapman, and Mr. Blaier got into some difficulty in the State of Indiana in connection with certain road situations there?

(The witness conferred with his counsel.)

Mr. Johnson. I read about it in the paper, sir.

Mr. Kennedy. Did you have any discussions with Mr. Raddock in connection with that matter?

(The witness conferred with his counsel.)

Mr. Kennedy. Counsel, I think he would know the answer to that himself. That is not a legal question.

Mr. Johnson. On the advice of my counsel, sir, I decline [fol. 52] to answer the question upon the ground my answer might tend to incriminate me.

Mr. Kennedy. How long have you known Mr. Raddock?

(The witness conferred with his counsel.)

Mr. Johnson. Upon the advice of my counsel, I decline to answer the question upon the ground my answer might tend to incriminate me, sir.

The Chairman. Mr. Johnson, may we inquire if it is your purpose to invoke the fifth amendment privilege to all pertinent questions regarding this matter?

(The witness conferred with his counsel.)

Mr. Johnson. Yes, sir.

Senator Curtis. May I inquire, Mr. Chairman?

The Chairman. Senator Curtis.

Senator Curtis. Is there any indictment pending against you at the present time?

Mr. Johnson. No, sir.

Senator Curtis. To your knowledge, is there any investigation by State or Federal prosecuting authorities of any of your activities at the present time?

Mr. Johnson. I have no knowledge of such, sir.

Mr. Kennedy. Could I ask a question?

Would Mr. Johnson answer any questions regarding his personal affairs, or is it just this one phase of it?

Mr. Donohue. At the moment, Mr. Kennedy, it is just this one phase of the inquiry.

Mr. Kennedy. Where he would invoke the fifth amendment?

Mr. Donohue. Yes."

Mr. Hitz: I think that's enough.

May the record show we have stopped reading at the top of page 12043.

Mr. Tierney, would you turn to page 12046.

And begin with the large-type testimony of Joseph P. Sullivan.

The Witness (Reading):

[fol. 53] "TESTIMONY OF JOSEPH P. SULLIVAN, ACCOMPANIED BY HARRY CLIFFORD ALLDER, COUNSEL.

"The Chairman. State your name, your place of residence and business or occupation.

Mr. Sullivan. My name is Joseph P. Sullivan, 1800 Central Avenue, Whiting, Ind.; occupation, lawyer.

The Chairman. Mr. Sullivan, you also have counsel with you."

Mr. Hitz: Excuse me just a minute.

I think, Mr. Tierney, that the document you are reading from will show that we are still in the hearing day of June 26, 1958, as is noted in the hearings that you are reading from on page 12045. Right?

The Witness: That's correct.

Mr. Hitz: All right, sir. Now, will you pick up where I interrupted and read without omission.

Mr. Tuttle: And Mr. Sullivan is under oath.

Mr. Hitz: Mr. Tuttle suggests that we put Mr. Sullivan under oath.

Mr. Tuttle: Not that we put him under, but he was put under oath.

By Mr. Hitz:

Q. Can you now testify that just before the testimony you were reading it is noted that the Chairman swore Mr. Sullivan?

A. That's correct.

Q. All right, now will you read without omission.

The Witness (Reading):

"The Chairman. Mr. Sullivan, you also have counsel with you.

Mr. Sullivan. Yes, sir.

The Chairman. Let the record show that Mr. Allder is appearing as counsel for the witness, Mr. Sullivan. All right, Mr. Kennedy, proceed.

Mr. Kennedy. Mr. Sullivan, you practice law in Gary, Ind., do you?

Mr. Sullivan. No, sir; Whiting, Ind.

Mr. Kennedy. Do you do any legal work for the Teamsters Union in Gary, Ind.?

[fol. 54] Mr. Sullivan. Yes, sir.

Mr. Kennedy. What union is that, what local?

Mr. Sullivan. Local 142 of the Teamsters.

Mr. Kennedy. Who is head of that local?

Mr. Sullivan. Well, I presume you are alluding to the secretary-treasurer, Mr. Sawochka.

Mr. Kennedy. Mr. Sullivan, do you know Mr. Maxwell Raddock?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. How long have you known him?

Mr. Sullivan. Approximately a year or thereabouts.

Mr. Kennedy. When did you first meet him?

Mr. Sullivan. Well, I can't define the exact date, sir, but I would say, roughly, it would be a year or so ago.

Mr. Kennedy. About August of 1957? Would that be about right?

Mr. Sullivan. That could be possible.

Mr. Kennedy. Where did you meet him?

Mr. Sullivan. Pardon me, sir.

Mr. Kennedy. Where did you meet him?

Mr. Sullivan. In Indiana.

Mr. Kennedy. Under what circumstances?

Mr. Sullivan. Well, just simply a meeting, through a mutual friend.

Mr. Kennedy. Who was the mutual friend?

Mr. Sullivan. May I, sir, consult with counsel, please?

(The witness conferred with his counsel.)

Mr. Sullivan. The person who introduced me to Mr. Raddock was a client of mine, sir.

Mr. Kennedy. Who was it that introduced you to Mr. Raddock?

Mr. Sullivan. I believe, sir, to identify the client by name would violate the privilege existing between attorney and client.

I believe, sir, that I am under responsibility to that client in the light of the fact that he asked me not to divulge his identity.

The Chairman. Did he introduce you in connection with his own business, a matter for which you were retained? [fol. 55] Mr. Sullivan. I am sorry, sir. Will you repeat the question?

The Chairman. You said you were introduced to him, to Mr. Raddock, by a client of yours. Was that introduction in connection with your client-attorney relationship in connection with the business that you had been retained by your client to handle?

Mr. Sullivan. I believe there, again, sir, I must assert the privilege existing between this client and myself. The relationship was one of the attorney and client, and I believe to divulge it would be, frankly, indirectly, possibly divulging what I could not do directly.

The Chairman. There is a privileged status then between an attorney and client, with respect to anything that

the client told you with respect to the business you handled for him, that is true.

But just the fact that a fellow is your client, it has never been my understanding of it that that would preclude you from testifying as to matters outside of that relationship.

You might have a client, and I will use this as an illustration, who may get into some trouble or did something in your presence wholly unrelated to the relationship of client and attorney.

Certainly you would not be privileged not to tell what you see by reason of the fact that the man happens to be your client, or anything that he does that is not in relation to that.

It is a confidential relationship where a client tells you something in confidence about his affairs which is privileged. We have had this question up before this committee and also before the Senate Investigating Subcommittee, and we have always ruled that the witness will be required to tell who his client is. We don't know whether the relationship can be established. If it can be, of course, it will be respected and any rights under it and privileges under it will be observed by this committee.

Mr. Sullivan. Well, Mr. Chairman, I am generally in accord with your premise on the attorney-client relationship and your statement of such. Because of the meeting, and the meeting being between this client of mine and Mr. Raddock, and because of the fact that I was there on an attorney relationship with my client, it would be hard, frankly difficult, and I think perhaps contrary to all the ethics of [fol. 56] the attorney and client relationships for me to not claim the privilege.

The Chairman. What you are saying in effect is, and I wholly disagree with it—you have Mr. Allder present here today as your attorney. Suppose he introduced you to me and that is the first time you ever met. If that happens, and a year later someone asks you when you first met me, and you say, 'Well, a client of mine introduced me.'

Mr. Allder. We agree to that, Senator, that he would have to testify about it. But he just finished saying that as a result of the attorney-client relationship existing be-

tween him and this person you are asking about, he met Mr. Raddock, because of that.

It was only because of that and through that that he talked to Mr. Raddock at all, and since being here in front of the executive session before and asked this question, he has gone to that client and asked the client again could he not divulge his name, and the client said, 'No, you cannot, because I told you before you could not divulge my name at any time concerning any of the matters that you have represented me on.'

The Chairman. That is stretching pretty thin, if that is the meaning of the law.

Mr. Allder. This is a case in this jurisdiction, Senator, which says exactly that, which has not been changed. The case has been standing for 40 years.

The Chairman. I will frankly confess I have not practiced law for several years, and there have been many decisions that changed the Constitution and a lot of other things since I was actively engaged in the practice of law, and you could be correct. But I still maintain that my own view is it is stretching it pretty thin. I will not undertake at the moment to argue with you. We will make the record. The Chair will order and direct you to answer the question with the approval of the committee. We will make the record and then we will determine about it, if you want to make that kind of a record.

Mr. Sullivan. Mr. Chairman, I must stand on the same answer I gave in executive session, and also here in public session, and for the very same reason, that to divulge the identity of this client would, in effect, open the door and [fol. 57] constitute a breach of the attorney-client relationship that exists between he and I.

I might say this to you, sir, so I may not seem impertinent, that since the executive session I have gone to this client to ask him whether or not I had his consent and he refused the consent. I so act accordingly.

The Chairman. The order still stands. We are making the record. I don't understand that one can come into court or before a tribunal and announce that he has a client whose name he can't disclose. I don't know how a court can deal with it or how this committee can deal with it to

determine whether a client-attorney relationship actually exists or not. That is not a challenge to your saying he is your client, but I am trying to rationalize this into its ultimate legal potential.

Any time you would bring a lawyer up, he could say 'Well, I have a client, but I can't afford to testify because my client introduced me to that fellow,' and then not disclose the name of the client.

That would be a complete barrier in back of which the court could not go, or the tribunal making the inquiry could not go to ascertain whether the witness is actually telling the truth about having such a client.

Mr. Allder. May I answer that, Senator?

The Chairman. Yes; you may. I don't want to belabor it.

Mr. Allder. The case in the District of Columbia, the United States court of appeals, takes up that point, and says that the other side of this matter, could, by cross-examination or by producing evidence, refute the fact that he was claiming the privilege correctly or not, whether it was true. If that were true, then he would be prosecuted for perjury.

The Chairman. Well, I don't think anyone has a right to come into court and commit perjury.

Mr. Allder. No; but they took up the exact point that you have raised, Senator.

The Chairman. I am not denying what you are saying. I am not familiar with the decision, but I am going to make the record.

If I find that your position is right, the record will stand, of course. And if I find that your contention is in error, [fol. 58] then the committee will be free to take such action as it deems appropriate within the limits of its authority.

As I understand the witness, you are refusing to identify the person who introduced you to Maxwell Raddock some time about a year ago, because the person that introduced you was or is your client; is that correct?

Mr. Sullivan. Yes, sir.

The Chairman. To make the record so there will be no misunderstanding about it, the Chair again orders you and directs you to inform this committee now under oath

the name of your client who introduced you to Mr. Raddock.

Mr. Sullivan. Your Honor—I am not used to Senate hearings, and so please forgive me if I address you as your Honor.

Let me say that I say it with all sincerity, though it may not be appropriate to the proceedings at hand. Mr. Senator, I must again refuse to answer any questions by reason of the fact that it would be in violation of the attorney-client relationship, and it would in part more or less do indirectly what I am not privileged as an attorney for my client to do directly.

The Chairman. Proceed, Mr. Kennedy.

Mr. Kennedy. Did you discuss with Mr. Raddock at that time the matters dealing with the possible indictment of certain carpenter officials?

Mr. Sullivan. Pardon me, sir?

Mr. Kennedy. Pardon me what?

Mr. Sullivan. Would you please define as to when?

Mr. Kennedy. When you met with Mr. Raddock, the first time you talked to him.

Mr. Sullivan. The first time I talked to him?

No, sir.

Mr. Kennedy. You did not?

Mr. Sullivan. No, sir.

Mr. Kennedy. Did you meet him by appointment?

Mr. Sullivan. No, sir; it was a very inadvertent meeting.

Mr. Kennedy. Then if you state that, how can you then [fol. 59] possibly claim that you cannot disclose to us who introduced you, if it was just a chance meeting?

(At this point, Senator Curtis entered the hearing room.)

(The witness conferred with his counsel.)

Mr. Sullivan. Mr. Kennedy, the meeting in and of itself was a very chance meeting, as I say. It was not pre-arranged. But because of certain things that came to my knowledge, information subsequent to that, it would be a breach of the attorney-client relationship insofar as my client is concerned and myself as his attorney.

Mr. Kennedy. If the lawyer-client relationship did not exist at that time in connection with the matter you were

discussing, and in your meeting with Mr. Raddock, certainly you should disclose that information to this committee as to who introduced you.

(At this point, Senator Kennedy withdrew from the hearing room.)

(The witness conferred with his counsel.)

Mr. Kennedy. Do you still refuse to do so?

Mr. Sullivan. No.

I am not clear as to the question. I am not refusing to answer anything, sir, that is proper. I don't understand the question, to be perfectly honest about it.

Mr. Kennedy. The point is that if this were just a chance meeting where the subject matter of the lawyer-client relationship was not discussed, did not exist at that time as far as Mr. Raddock is concerned, that this information regarding who introduced you should be disclosed to the committee. You are just like an ordinary citizen. So you meet somebody. The committee is interested in determining who introduced you to him. It is very important in the context of what we are looking into at the present time.

Mr. Sullivan. Well, sir, I have to again claim the same privilege I have before. It is important in the light of the fact that if it were strictly inadvertent meeting without the association of subsequent things that came to my knowledge as an attorney representing the client, I would agree with counsel.

[fol. 60] Mr. Kennedy. Were the subsequent things that came to your knowledge dealing with the possible indictments of certain Carpenter officials in Lake County, Ind.?

Mr. Sullivan. That would certainly be beyond my knowledge, sir.

Mr. Kennedy. Were you an assistant district attorney, prosecuting attorney?

Mr. Sullivan. N. I am this, so we get my status insofar as the prosecutor's office is concerned clear: I am a deputy assigned to the Whiting City court which has, as its duties, the prosecution of misdemeanors only. I have no connection whatever with the criminal court at Crown Point

or any connection with the grand jury proceeding or anything of that sort.

Mr. Kennedy. You do work for the prosecuting attorney's office?

Mr. Sullivan. That is correct, sir.

Mr. Kennedy. Who is the prosecuting attorney?

Mr. Sullivan. Mr. Holovachka.

Mr. Kennedy. All right. Was Mr. Raddock interested in attempting to prevent the indictment of certain Carpenter officials in Lake County, Ind.?

Mr. Sullivan. Sir, that would be beyond my knowledge.

Mr. Kennedy. Did you have any conversations with Mr. Raddock along those lines?

Mr. Sullivan. No, sir.

Mr. Kennedy. Did you have any conversations with Mr. Raddock along those lines?

Mr. Sullivan. No, sir.

Mr. Kennedy. Did you have any conversations with Mr. Raddock in connection with the possible indictment of certain Carpenter officials?

Mr. Sullivan. No, sir.

Mr. Kennedy. You did not. Did you have any conversation with Mr. Raddock at all regarding the difficulties or problems of Mr. Hutcheson, in Lake County?

Mr. Sullivan. No, sir.

[fol. 61] Mr. Kennedy. How many times did you meet Mr. Raddock?

Mr. Sullivan. Very sincerely, I can't accurately tell you. I would say several times. I am not trying to be evasive, I just don't know.

Mr. Kennedy. I think you are. I don't think you are being at all frank with the committee.

Mr. Sullivan. Do you mean because I can't recall the number of times—

Mr. Kennedy. No; just in the answers you have given in the last few questions.

The Chairman. Is Mr. Maxwell C. Raddock a client of yours?

Mr. Sullivan. No, sir.

The Chairman. Then that relationship never existed between you two.

Mr. Kennedy. What did you discuss the first time you met Mr. Raddock?

Mr. Sullivan. Probably—

Mr. Kennedy. Not probably. What did you discuss?

Mr. Sullivan. To my best recollection, it was a chance meeting. 'This is Mr. So and So.' 'How are you?' 'Where are you from?' 'What do you do?' this and that and that. That was about the extent of it.

Mr. Kennedy. That was all?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. You refuse to tell the committee who introduced you when that was the total gist of the conversation?

Mr. Sullivan. I state to my best recollection that was it.

Mr. Kennedy. You met with him again?

Did you see him again?

Mr. Sullivan. Yes, sir; I did.

Mr. Kennedy. Who was present when you saw him again?

Mr. Sullivan. There again, sir, I must claim the privilege that exists between attorney and client.

The Chairman. Just a moment.

Were all of those present at the next time your clients?

[fol. 62] Mr. Sullivan. Pardon me, sir?

The Chairman. You were asked a question as to who was present when you met Mr. Raddock the next time, after the time you had been introduced to him, and you said you declined to answer on account of the client-attorney relationship.

I am asking you: Were all of those who were present at that time your clients?

Mr. Sullivan. No, sir. I have just stated that Mr. Raddock was not. And never has been.

The Chairman. Were any of the others present not your clients?

Mr. Sullivan. To my recollection, no.

The Chairman. How many others were present besides you and Mr. Raddock?

Mr. Sullivan. I would say, sir, to my recollection, three, including myself.

The Chairman. The other two were your clients at that time?

Mr. Sullivan. No, sir; I included myself.

The Chairman. Well, I said the other two. You said there were three.

Mr. Sullivan. Three people, sir.

The Chairman. Well, there were you, Mr. Raddock and one other!

Mr. Sullivan. That is correct, sir.

The Chairman. Was the other man your client at that time?

Mr. Sullivan. Yes, sir.

The Chairman. Proceed, Mr. Kennedy.

Mr. Kennedy. You are not going to give us the name of the other person you met at that time?

Mr. Sullivan. Well, Mr. Kennedy, I don't want to appear impertinent, but the other person I have mentioned is my client.

Mr. Kennedy. What did you discuss?

The Chairman. You have it now that he was there with Raddock and a client of his whom he declines to name. The Chair is going to order and direct him to give the name of his client who was present.

[fol. 63] Mr. Sullivan. I must again claim the same attorney-client relationship and refuse to divulge the name of my client, inasmuch as the divulging of the name would, in effect, be opening the door and creating a breach of that relationship, which I am bound as an attorney to preserve.

I do not have my client's permission to divulge the name.

The Chairman. Proceed.

Mr. Kennedy. What did you discuss with Mr. Raddock at that time?

Mr. Sullivan. This, Mr. Kennedy, would be the second meeting, is that correct?

Mr. Kennedy. Yes, that is right.

Mr. Sullivan. I believe generally it was just general conversation, gossip, that type of thing, nothing beyond that.

Mr. Kennedy. What gossip—come on, Mr. Sullivan, you are not answering any questions here.

Mr. Sullivan. Mr. Kennedy, I don't want to appear to be evading your questions.

Mr. Kennedy. Obviously you are.

Mr. Sullivan. Let me say this to you, when I say gossip certainly it was no secret in Lake County, Ind., that the Carpenters were in some difficulty, and it was in all the newspapers.

Mr. Kennedy. Just answer the question. Is that what you were discussing?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. All right. What were you discussing about the difficulty of the Carpenters?

Mr. Sullivan. I don't think there was any discussion about that.

Mr. Kennedy. Well, what did you discuss about the troubles they were in, then; relate the conversation to the committee.

Mr. Sullivan. Well, the fact that there was this difficulty in Lake County rising out of these alleged violations, which I knew nothing about, had no personal knowledge about, except what information I may know as any citizen may know that reads the newspapers in Lake County. The paper was filled with it.

[fol. 64] Mr. Kennedy. So you discussed that?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. Did you discuss anything else other than that?

Mr. Sullivan. No, sir.

Mr. Kennedy. You just discussed the problems and difficulties of the Carpenters' Union officials?

Mr. Sullivan. Correct, sir.

Mr. Kennedy. Now we are moving along.

The grand jury in connection with this matter was sitting at that time?

Mr. Sullivan. I can't say. I don't know.

Mr. Kennedy. Did you have any further conversations with Mr. Raddock?

Mr. Sullivan. To the best of my recollection—

Mr. Kennedy. That is, after the second meeting.

Mr. Sullivan. Pardon me!

Mr. Kennedy. After the second meeting.

Mr. Sullivan. To the best of my recollection, any subsequent conversations were by telephone.

Mr. Kennedy. Did he telephone you?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. After the second meeting, did you telephone him first, or did he telephone you?

Mr. Sullivan. To the best of my recollection, I believe he telephoned me always.

Mr. Kennedy. You never telephoned him?

Mr. Sullivan. I can't be sure. I don't think so, sir.

Mr. Kennedy. When he called you the first time, what did you discuss?

Mr. Sullivan. This may seem silly, but it is the truth, the same thing, what do you hear, what is going on, what is going on down in Indianapolis.

Mr. Kennedy. Well, it was all about the Carpenters?

[fol. 65] Mr. Sullivan. The same story.

Mr. Kennedy. It was about the Carpenters?

Mr. Sullivan. Anything that anyone could read in the newspapers.

Mr. Kennedy. But it was about the Carpenters, was it?

Mr. Sullivan. Yes.

Mr. Kennedy. You remember that now. And did he call you after that time?

How many times did he call you?

Mr. Sullivan. I can't be sure, Mr. Kennedy. I would say several times.

Mr. Kennedy. Maybe a dozen times?

Mr. Sullivan. I don't believe it was that many.

Mr. Kennedy. Eight times?

Mr. Sullivan. Well, I said I didn't believe it was a dozen. I don't believe it was eight.

Mr. Kennedy. How many times, approximately?

Mr. Sullivan. Well, I can't be sure, sir.

Mr. Kennedy. It was at least eight times, was it not.

Mr. Sullivan. It didn't appear to me to be that long.

Mr. Kennedy. Was it a half-dozen times?

Mr. Sullivan. Well, if you say it was 8, it probably was 8, all to my—

Mr. Kennedy. What did you discuss in the second conversation?

Mr. Sullivan. It was always the same thing.

Mr. Kennedy. You always discussed just the Carpenters?

Mr. Sullivan. Yes.

Mr. Kennedy. Did he ever want you to do anything?

Mr. Sullivan. No, sir.

Mr. Kennedy. The third time, what did you discuss then?

Mr. Sullivan. It was always the same thing.

Mr. Kennedy. About the Carpenters?

Mr. Sullivan. That is right.

Mr. Kennedy. What is the gossip in Lake County?

[fol. 66] Mr. Sullivan. Yea, sir.

Mr. Kennedy. He just wanted to know all the gossip; is that right?

Mr. Sullivan. It appeared to me to be so.

Mr. Kennedy. Were you in touch with Mr. Holovachka, during this period of time—the prosecuting attorney?

Mr. Sullivan. No more than I would be during the time I have been working for him, which encompasses some 6 years or thereabouts.

Mr. Kennedy. You were in touch with him during the period of time?

Mr. Sullivan. Well, of necessity, I would have to be in connection with my job.

Mr. Kennedy. Were you in touch with Mr. Sawochka during this period of time?

Mr. Sullivan. Yes, of course I was.

Mr. Kennedy. Did you discuss the problem of the Carpenters with Mr. Sawochka?

Mr. Sullivan. There again, sir, I can't divulge that because of the fact that it would be a breach of attorney-client relationship.

Mr. Kennedy. Mr. Sullivan, we are looking into what appears to be an illegal, or at least an improper act, in the State of Indiana, and there are union officials involved. You have some very pertinent and important information to offer to this committee. Certainly your cooperation can extend further than it has so far during the course of this interrogation.

Certainly you could tell the committee and give the information to the committee as to whether you discussed the possible indictment of the Carpenters or the difficulty of the Carpenters with Mr. Sawochka, a Teamster Union official?

Mr. Sullivan. Mr. Kennedy, you know from my prior testimony in executive session that Mr. Sawochka is a client of mine, and for that very sacred reason I cannot, as a lawyer, divulge the conversation between him and me.

Mr. Kennedy. I am not asking you what the conversation was. All I am asking you is whether you discussed the situation involving the Carpenters with Mr. Sawochka.

[fol. 67] I am not asking you what he said to you or what you said to him, but I want to know whether you discussed this matter with Mr. Sawochka, because according to our information he was a part in a conspiracy to subvert the laws of the State of Indiana. He is a union official, and, as such, is within the jurisdiction of this committee.

Mr. Sullivan. Sir, for me to divulge by way of answer to your question would be simply indirectly breaching that relationship.

You are a lawyer, Mr. Kennedy, and so am I. I think you can appreciate what I am telling you about an attorney-client relationship.

Mr. Kennedy. No, I cannot appreciate it at all. All this time of contact with Mr. Raddock and just saying that you are gossiping with him on the telephone, and then the other conversations with Mr. Sawochka, you say you can't give us any of that information. Did you do any work for the Carpenters' union during this period of time?

Mr. Sullivan. No, sir; never.

Mr. Kennedy. Did you have any conversations with Mr. Holovachka in connection with the difficulties of the Carpenter officials?

Mr. Sullivan. Only in a civil capacity.

Mr. Kennedy. What do you mean by that?

Mr. Sullivan. As I have already testified in executive session, I made restitution in behalf of my client.

Mr. Kennedy. Then you were acting for the Carpenters' Union?

Mr. Sullivan. No, sir.

Mr. Kennedy. You carried the money to the State of Indiana?

Mr. Sullivan. I believe, sir, it was a check, if my recollection serves me.

Mr. Kennedy. From whom did you get the check?

Mr. Sullivan. I cannot divulge that. That would be, again, a breach of the attorney-client relationship.

Mr. Kennedy. Did you get the check from Mr. Hutcheson?

Mr. Sullivan. I don't even know Mr. Hutcheson.

Mr. Kennedy. Was he a client of yours?

Mr. Sullivan. No, sir.

[fol. 68] Mr. Kennedy. Did you get it from Mr. Chapman?

Mr. Sullivan. No, sir.

Mr. Kennedy. Was he a client of yours?

Mr. Sullivan. No, sir.

Mr. Kennedy. Did you get the check from Mr. Blaier?

Mr. Sullivan. No, sir.

Mr. Kennedy. Was he a client of yours?

Mr. Sullivan. No, sir.

Mr. Kennedy. Those were the three union officials that made the restitution. Did you get the money from any union official?

Mr. Sullivan. That, sir, by way of answer, would be an attempt by indirection to do what I can't answer indirectly, and would be a breach, again, of that same attorney-client relationship.

Mr. Kennedy. Was the Teamsters Union involved directly or indirectly in the restitution of this money?

Mr. Sullivan. There, again, sir, that would follow the same premise. It would be a breach of the attorney-client relationship.

Mr. Kennedy. Did you discuss with Mr. Holovachka the fact that there would be no indictments in connection with this case?

Mr. Sullivan. No, sir.

Mr. Kennedy. When Mr. Holovachka made his announcement, he announced the fact at one time that there was restitution and that there would be no indictments. You say that you made the restitution but never discussed the fact that there would be no indictments?

Mr. Sullivan. No, sir.

Senator Curtis. Mr. Chairman?

The Chairman. Senator Curtis.

Senator Curtis. Do you recall when this restitution was made, the date of it?

Mr. Sullivan. No, sir, I do not. I heard something said here today, and that will be my only means of knowing even an exact date. I think someone this morning said something to the effect of August 20. I think I heard Mr. Kennedy say that this morning. I have no recollection of my own.

[fol. 69] Senator Curtis. Based on your own recollection, was it before or after the announcement that there would be no indictment?

Mr. Sullivan. I would say, Senator Curtis, that I could not be sure. I don't know. I would say this to you, that there was no connection with the restitution and the action of the grand jury.

Senator Curtis. But you don't know which occurred first?

Mr. Sullivan. No, sir, I could not say with exactness.

Senator Curtis. Do you know why restitution was made?

Mr. Sullivan. Well, it was given by way of civil restitution entirely, without any promises whatsoever.

Senator Curtis. Could you tell us whether or not the restitution was made by someone who would have been liable for restitution if a civil action was instituted against them.

Mr. Sullivan. There, sir, I cannot divulge because of the relationship between attorney and client. I do not have the permission of my client to answer that question.

Senator Curtis. That is all, Mr. Chairman.

The Chairman. All right.

Mr. Kennedy. Mr. Sullivan, you were interviewed by Mr. Tierney, were you not?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. And did you state to him that you had no connection whatsoever with the Lake County investigation of the highway scandal and denied at that time that you were the lawyer by whom restitution was made?

Mr. Sullivan. That is correct.

Mr. Kennedy. You did not tell him the truth, is that right?

Mr. Sullivan. That is correct.

Mr. Kennedy. And that interview took place—

Mr. Sullivan. In my office.

Mr. Kennedy. On April 23, at 1:30 p.m., did it not?

Mr. Sullivan. Well, I can't be sure of the date. I cannot be sure of the day. But it was in my office.

Mr. Kennedy. Didn't you immediately after that interview [fol. 70] view call Mr. Holovachka on the telephone at his unpublished number and discuss the matter with him?

Mr. Sullivan. I have no recollection of calling Mr. Holovachka, and I have no recollection of Mr. Holovachka having an unpublished telephone. If he has, I don't know what it is.

Mr. Kennedy. Did you call him at 3:42 p.m. on April 23?

Mr. Sullivan. Sir, I could not answer that question. I don't even know what I did yesterday, let alone what I did then.

Mr. Kennedy. I would like to find out what you did back in August of 1957. Where you can tell us, you refuse to tell us.

Mr. Sullivan. Well, I am only refusing, sir, on the basis of the attorney-client relationship, and none other.

Mr. Kennedy. That is what you are saying. Shortly after the indictments or the prosecuting attorney, Mr. Holovachka, announced that there would be no indictments in this case, did you handle a land transaction for the Teamsters Union?

Mr. Sullivan. Yes.

Mr. Kennedy. And was that for the purchase of a piece of property in Gary, Ind.?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. You handled the legal aspects of that?

Mr. Sullivan. Strictly the closing of the transaction.

Mr. Kennedy. Was there any appraisal of the property made prior to the time the Teamsters Union purchased that property?

Mr. Sullivan. That would be beyond my knowledge as a lawyer, sir.

Mr. Kennedy. Do you know of any appraisal that was made?

Mr. Sullivan. Do I personally?

Mr. Kennedy. Yes.

Mr. Sullivan. No, sir.

Mr. Kennedy. Did you suggest at that time that an appraisal of the property be made?

Mr. Sullivan. Mr. Kennedy, my only relationship with the transaction was simply to check the title on the closing. I had nothing to do with its inception.

[fol. 71] Mr. Kennedy. How much money did the Teamsters pay for that property?

Mr. Sullivan. To the best of my recollection, \$40,000, 10½ acres of ground.

Mr. Kennedy. What is usually the scale or what has been the scale in Gary, Ind., the connection between the appraised tax value of land and the actual value?

Have you sort of a working scale?

Mr. Sullivan. There used to be years ago kind of a rule of thumb that frankly isn't accurate any more whatever. We lawyers, when I first started to practice, used to use a 3-to-1 ratio that very honestly is no longer practical because real estate in Lake County, Ind., has gone sky high. Its availability is scarce. Inflation is upon us. As a matter of fact, it is not uncommon to pay \$5,000 and more an acre for undeveloped land in the vicinity of Lake County, Ind., what is commonly called the Calumet district. In fact, there are all kinds of transactions going forward every day at that price in that approximate neighborhood.

Mr. Kennedy. That is a long answer, which I appreciate.

Mr. Sullivan. Well, I was trying to tell you about Lake County, Ind.

Mr. Kennedy. Do you know what this land was appraised at, taxwise?

Mr. Sullivan. No, sir; that would be no concern of mine as an attorney.

Mr. Kennedy. You didn't look into that matter at all when you handled the transaction?

Mr. Sullivan. Well, I don't think it was derelict on my part as a lawyer attending to the closing not to pay attention to that. It is not common to do it.

Mr. Kennedy. From whom was this land purchased?

Mr. Sullivan. I believe it was purchased from a concern, to the best of my recollection, called the 1300 something or other, possibly 1300 Realty Corporation, or something like that. The deed is recorded. It speaks for itself.

[fol. 72] Mr. Kennedy. Did you know that the tax appraisal of that land at that time was about \$4,600?

Mr. Sullivan. If you would say so, I dare say that is correct. I don't know.

Mr. Kennedy. And the Teamsters paid \$40,000 for the land?

Mr. Sullivan. Yes, sir.

Mr. Kennedy. Do you know if during that period of time the 1300 Broadway Corp. from whom the Teamsters purchased this land, do you know if they had a financial transaction about that time with a company which was owned, in part, by the prosecuting attorney?

Mr. Sullivan. I would have no knowledge of that at all.

I have nothing to do with the 1300 Corp. or nothing to do with the private affairs of the prosecutor.

Mr. Kennedy. Do you know anything about the State Sibley Corp.?

Mr. Sullivan. No, sir.

Mr. Kennedy. Do you know what financial transactions the 1300 Broadway Corp. had with the State Sibley Corp.?

Mr. Sullivan. No, sir; nothing at all.

Mr. Kennedy. You know nothing about that?

Mr. Sullivan. Nothing at all.

Mr. Kennedy. You didn't know that there was a financial transaction going on simultaneously with this purchase of land by the Teamsters?

Mr. Sullivan. No, sir.

Mr. Kennedy. And you wouldn't tell us whether you discussed the problems or the difficulties of the Carpenters with Mr. Sawochka?

Mr. Sullivan. It isn't, Mr. Kennedy, that I wouldn't. I can't. I am an attorney. I dare not, or I would breach my relationship with my client.

Mr. Kennedy. If there was anything improper or illegal in this transaction, in your own activity, you play a major role yourself, Mr. Sullivan. In fairness to yourself, I would think you would want to answer these questions. As you point out, the restitution of the money was done through you.

[fol. 73] You say you weren't representing the Carpenters' Union or any official of the Carpenters. You would have the information that would throw a great deal of light on this subject.

Do you have anything to say?

Mr. Sullivan. Well, I didn't regard that as a question. I regard that as a statement by yourself.

Mr. Kennedy. Well, I am asking you now, do you have anything to say about it?

Mr. Sullivan. Nothing at all, sir. I am at peace with my conscience and with my relationship as a lawyer.

Mr. Kennedy. That is all, Mr. Chairman.

The Chairman. Do you have any questions, Senator Curtis?

Senator Curtis. No; I think not.

The Chairman. All right. You may stand aside for the present.

Call the next witness.

Mr. Kennedy. Mr. O. William Blaier.

The Chairman. Mr. Blaier, come forward, please.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Blaier. I do."

The Court: That looks like a place we could take a little recess.

(Short recess taken.)

The Witness (Reading):

**"TESTIMONY OF O. WILLIAM BLAIER, ACCCOMPANIED BY
COUNSEL, HOWARD TRAVIS.**

The Chairman. State your name, your place of residence, and your business or occupation.

Mr. Blaier. Oscar William Blaier. My legal voting residence is Philadelphia. I maintain an apartment here in Washington, D. C. I am in the capacity as second general vice president of the United Brotherhood of Carpenters and Joiners of America.

The Chairman. You have your counsel present, Mr. Blaier?

[fol. 74] Mr. Blaier. Yes, sir.

The Chairman. Counsel, identify yourself for the record, please?

Mr. Travis. Mr. Chairman, my name is Howard Travis, from Indianapolis, Ind., with offices at 1011 Fletcher Trust Building. I would like to make a statement, if I may?

The Chairman. I don't know what you want to make. Is it some motion?

Mr. Travis. No, Senator McClellan. I have been advised by counsel for the committee that no personal matters other than the duties of Mr. Blaier as an officer of the Brotherhood of Carpenters, would be inquired into, except certain transactions that might have been incurred between him and the Penn Products Co. or Mercury Oil Co. As I stated to the committee in executive session a couple of weeks ago, Mr. Blaier is one of the defendants in an indictment in Marion County, Ind., involving certain transactions in Lake County, Ind.

With the assurance that there are no questions going to be asked on that subject, I have advised Mr. Blaier that he is perfectly free to testify as to the Penn Products or Mercury Oil transactions without waiving any rights he might have to refuse to testify to other personal matters.

The Chairman. Is Mr. Blaier under indictment?

Mr. Travis. He is.

The Chairman. The subject matter of the indictment will not be gone into, if he feels that it might jeopardize his defense. I don't know just what matters counsel has to interrogate him about. We can proceed and if we reach some points where you have anything you wish to address the Chair about, you may feel at liberty to do so.

I can't anticipate, I have no idea what his testimony is going to be.

Mr. Travis. I would like to have the understanding with counsel of the committee that the only personal products would be Penn Products and Mercury Oil, as I was told the day before yesterday.

Mr. Kennedy. I didn't tell you that.

Mr. Travis. Mr. Tierney.

Mr. Kennedy. He said he didn't.

[fol. 75] The Chairman. All I can say is that we will go into anything within the jurisdiction of this committee, about which we think the witness may have information,

and can give testimony regarding except where, even though the committee may be interested in it, the matter may be covered by our jurisdiction, and would be clearly within the purview of these hearings, if the witness is under indictment for the offense for which he was indicted, we shall not interrogate him about that.

If he feels that might jeopardize his defense, we recognize that, where he is under indictment he should not be compelled to be a witness against himself on the subject matter involved in the indictment. That rule or policy will be observed.

Proceed with the interrogation and we can rule upon anything that comes up.

Mr. Travis. My problem, if I may interrupt, Senator, again, is that I cannot let my client open the door to testifying as to all personal matters if we don't have an understanding concerning the matters for which he is under indictment and matters relating thereto which may have occurred after the specific events for which he is indicted.

The charge is a conspiracy charge, and the indictment charge is a conspiracy charge, and it is very clear under Indiana criminal law that events which happen after the specific event charged in the indictment might be used by the prosecution to show the origin and continuance of the indictment, to relate it back.

The matters that have been inquired about today in the hearing relate, to my mind, directly to the matters, to the transaction, for which he is indicted.

The Chairman. I have no way of knowing what is going to happen. I don't want to make any commitments or agreements here, other than what I have said. We have done that heretofore, and I made the general statement as a matter of policy of the committee, and I think it is the correct policy of the committee. I don't know what he is going to be asked. You will have to give him such counsel as you feel under obligation to as his attorney.

[fol. 76] Proceed, Mr. Kennedy.

Mr. Kennedy. I can say, Mr. Chairman, I have no intention of going at all into the matters for which Mr. Blaier is presently under indictment, namely the road situation out in Indiana.

The Chairman. Is that what he is indicted for, some activity in connection with that?

Mr. Kennedy. With the purchase of property and the sale back to the State for excessive and exorbitant profits. We don't expect to go into that matter.

Mr. Travis. Mr. Chairman, I think it would be helpful if a copy of the indictment were placed in the record. I have one here.

The Chairman. We will not place it in the record. It may be made Exhibit No. 47 for reference.

(Document referred to was marked 'Exhibit No. 47' for reference and may be found in the files of the Select Committee.)

Mr. Tuttle: At this point, I think it should be helpful to both sides, with Your Honor's approval, that the indictment itself be embodied, because it is referred to throughout and it is made an exhibit here in this green book from which Mr. Tierney is reading, but it is not printed therein and yet it is an important part of the record.

I don't want to interrupt Mr. Hitz' train of procedure here, but at some point I think that exhibit ought to be included as part of the testimony of Mr. Blaier at this point.

Mr. Hitz: I don't see the relevancy of it at the moment, Your Honor. I think that may a part of Mr. Tuttle's defense and I think I will postpone any activity on that now.

In other words, I am not offering it.

Mr. Tuttle: Well, here is an exhibit offered.

The witness is interrogated about it on the theory that it has become part of the record and proceedings before the committee, and under the circumstances I respectfully submit that it be part of the record at this point, that it should be recognized in the reading of Mr. Blaier's statement, because otherwise both his statement and the statement [fol. 77] of his counsel is—and the references thereto by the Chairman of the committee and Mr. Kennedy—are unintelligible, don't know what he is referring to; whereas, the committee knew what they were referring to because it was presented there.

The Court: What was the ruling of the Chairman that was just made there? I thought they said they would not make it a part of the record but they would enter it or have it accessible in the files?

The Witness: What he means, Your Honor, is that it is not a part of this document.

There are some exhibits which are printed in the document.

The Court: Yea.

The Witness: Now, this is not a part of this document. Nevertheless it is a part of the committee's record as far as these hearings are concerned, and it is an exhibit to these hearings and found in our files. That is the distinction.

Mr. Tuttle: As—

The Court: Well, is it available for this Court to ascertain what it is?

The Witness: Oh, yes, Your Honor. It's a public exhibit.

The Court: It's a public exhibit?

The Witness: Yes, it is, Your Honor.

Mr. Tuttle: That's the point that he was interrogated about. The only omission is that like many other exhibits it was somewhat bulky and they didn't print it in this document, but they said it was a public record and anybody that was interested could see it and of course its content was made the subject of interrogation both of Mr. Blaier and later of Mr. Hutcheson.

So it would seem to me fair that this Court have an opportunity to have cognizance of it.

The Court: Where can it be seen by this Court?

The Witness: I can bring a copy of it here, Your Honor.

The Court: Well, suppose we ask the witness to do that, then.

Mr. Tuttle: I would respectfully ask that inasmuch as it is here as part of the subject matter of the testimony, that [fol. 78] the witness be requested to, and I will accept his copy.

The Court: Can you do that conveniently?

The Witness: I can, Your Honor.

The Court: All right, let's do that, then.

The Witness (Reading):

Mr. Kennedy. You are second general vice president of the Carpenters?

Mr. Blaier. Yes, sir.

Mr. Kennedy. How long have you held that position?

Mr. Blaier. Since 1952, January.

Mr. Kennedy. You were appointed at that time?

Mr. Blaier. At that time I was appointed.

Mr. Kennedy. And subsequently you were elected at a convention in November 1954?

Mr. Blaier. That is right, sir.

Mr. Kennedy. Did you have any opposition at that time?

Mr. Blaier. I had no opposition.

Mr. Kennedy. What position did you hold prior to the time you became second vice president?

Mr. Blaier. I was a member of the general executive board, representing the second district.

Mr. Kennedy. Were you appointed to that position?

Mr. Blaier. In 1948 I was appointed to succeed William K. Kelly and elected in the 1950 convention by acclamation.

Mr. Kennedy. You had no opposition?

Mr. Blaier. No, sir.

Mr. Kennedy. What does the second district cover, what areas?

Mr. Blaier. New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia.

Mr. Kennedy. When did you first meet Mr. Max Rad-dock?

Mr. Travis. At this point, Mr. Kennedy and Mr. Chairman, I would like it understood distinctly that the question may be answered on the condition that it will not relate to anything transpiring in Lake County, Ind. There is [fol. 79] no question that the witness has known Mr. Rad-dock for many years, but in view of the line of questioning that has gone on today, the questions could lead to a direct inquiry into the matters for which Mr. Blaier is under indictment.

The Chairman. The Chair will sustain that to the extent of the indictment, the matters covered in the indictment: I will not sustain it beyond that.

Mr. Travis. Matters occurring after the event?

The Chairman. If they are unrelated to the things contained in the indictment, yes. A man could be indicted up there, or could be under indictment, for one offense, and might subsequently commit another, or commit some impropriety or violation of trust, as we are often inquiring into here, and still would have no relation to the subject matter contained in the indictment.

Therefore, I couldn't excuse a witness from testifying about other things.

Mr. Kennedy. Mr. Chairman, Mr. Baddock, as I understand it, is not under indictment in the conspiracy with Mr. Blaier, at least as of this time.

Mr. Travis. This witness is under indictment, Mr. Kennedy, and his rights must be protected and preserved.

Mr. Kennedy. This is a question on the relationship with Mr. Baddock, and as I understand it Mr. Baddock is not under indictment at the present time in connection with a conspiracy with Mr. Blaier.

Mr. Travis. I have no knowledge about Mr. Baddock.

Mr. Kennedy. We are just asking about Mr. Baddock. I am sure he can answer those questions.

Mr. Travis. If the inquiry will relate to transactions in Lake County, Ind., the witness will be advised by me that he cannot answer the questions, because he is charged with conspiracy under indictment, and anything with regard to that, restitution or otherwise, is directly related, and could be used by the prosecution, possibly, against him.

The Chairman. Proceed with the questions.

[fol. 80] Counsel can represent his client as he wishes to.

Mr. Kennedy. How long have you known Mr. Baddock?

Mr. Blaier. On the advice of counsel, I refuse to answer the question, Mr. Chairman, and Mr. Kennedy, on the grounds that it relates solely to a personal matter not pertinent to any activity which this committee is authorized to investigate, and also because it might aid the prosecution in the case in which I am under indictment."

Mr. Hits: That will be enough, Mr. Tierney.

Your Honor, may the record show we are finishing this particular reading on page 12062 of Mr. Blaier's testimony.

It then proceeds immediately to an inquiry concerning a book about Mr. Hutcheson, Sr. We will not offer that in evidence here although our position has not changed with respect to the book testimony.

However, since Mr. Hutcheson later on in his own testimony, at greater length and in greater detail on the same subject which we do feel admissible and important to the case, we will forego putting that into the record here through Mr. Blaier's testimony, and will urge it upon Your Honor at the time Mr. Hutcheson's testimony goes in.

So, with that, we will conclude, or we will pass on to page 12072 which is still Mr. Blaier's testimony, and I would like Mr. Tierney, then, to read a little below the middle, where it says—

The Court: How much more of it is there in that?

Mr. Hitz: Approximately a little bit more than two pages more of Mr. Blaier.

The Court: Well, he might get two pages in, but just about that. We will then have to quit.

Mr. Hitz: Yes, Your Honor.

Just below the middle of 12072.

The Witness (Reading):

"Mr. Kennedy. Did you ever make any arrangements for Mr. Max Raddock to fix any case for you in Indiana?

Mr. Blaier. No, sir.

Mr. Travis. May the witness withdraw that answer, please?

[fol. 81] Mr. Kennedy. Excuse me?

Mr. Blaier. That was a fast switch. On the advice of counsel I refuse to answer the question on the ground that it relates solely to a personal matter not pertinent to any activity which this committee is authorized to investigate, and also because it might aid the prosecution in the case in which I am under indictment.

Mr. Kennedy. Did Mr. Raddock have anything to do with this matter in Indiana in connection with your not being indicted in Lake County?

Mr. Blaier. Mr. Kennedy, on the advice of counsel, I refuse to answer the question on the ground that it relates solely to a personal matter not pertinent to any activity which this committee is authorized to investigate, and also

because it might aid the prosecution in a case in which I am under indictment.

Mr. Kennedy. Mr. Blaier was in the hotel in Chicago at the same time as Mr. Raddock, according to the records.

The Chairman. I believe the testimony before the committee is that you were at the hotel, the Drake Hotel, in Chicago, on August 17, at the same time that Mr. Raddock was there, about which he was interrogated this morning.

Would you want to give us any information about that?

Mr. Blaier. Senator McClellan, no.

The Chairman. That would come within the purview of your previous statement as to why you do not want to testify.

Mr. Blaier. Yes, sir.

The Chairman. We have here what purports to be the original hotel account of your stay there at that time. If you say it relates to the matter about which you are under indictment, of course, I will not insist, then, that you answer the question.

Mr. Travis. Mr. McClellan, I believe it does, Senator, and I will have to instruct the witness not to answer.

Mr. Kennedy. Mr. Chairman, so we understand, this has nothing to do—

The Chairman. I thought this related to the matter of the indictment.

[fol. 82] Mr. Kennedy. No. Their indictment concerns certain transactions that they had with the State of Indiana in connection with certain property, the purchase of the property, then, and then the reselling of the property back to the State.

This has to do with the activities of Mr. Raddock, Mr. Charlie Johnson, which also has nothing to do with the indictment, Mr. Hoffa, Mr. Sawochka, and other individuals, Mr. Holovachka, in connection with attempts, through improper means, to keep them from being indicted in Lake County, Ind., and it has nothing to do with the merits of the indictment, *per se*.

This is when they were up in Chicago.

The Chairman. They are not indicted for attempts to obstruct justice!

Mr. Kennedy. That is correct.

The Chairman. They are indicted for offenses with respect to a conspiracy to defraud the State of Indiana, is that correct?

Mr. Kennedy. That is correct.

The Chairman. I have not looked at the indictment. Is that a fair statement?

Mr. Travis. No, sir. The indictment is in two counts. One is a conspiracy to commit a felony, to wit, bribery of a State official. I wish to say at this time that it is my responsibility as attorney for this gentleman in the case under which he is under indictment, to advise him whether or not I think the questions which Mr. Kennedy is asking and is going to ask with regard to Lake County could be used in that prosecution, and my responsibility will be carried out by advising the witness to answer no questions.

The Chairman. The Chair finds that the indictment is an indictment for conspiracy to commit a felony, to wit, bribery of State officers, and the actual bribery of State officers. Those are the two charges.

If this transaction in Chicago relates to that indictment, I will not order the witness to answer the question.

Mr. Kennedy. It does not relate to the indictment. It re-[fol. 83] lates to steps taken in a later conspiracy to present an indictment in Lake County, Ind. It has nothing to do, once again, with the facts surrounding the purchase and reselling of the lands. This involves entirely different individuals. Max Raddock is not under this indictment, nor is Mr. Charles Johnson, Mr. Holovachka, Mr. Sawochka or Mr. Hoffa.

I can understand that the witness will not want to answer the questions on the grounds it may tend to incriminate him, but not because he is under indictment or that I am asking questions dealing with the indictment, because I would not do that.

The Chairman. I will go this far with it. I will present you the hotel bill and ask you to examine it and state if you identify it.

Mr. Travis. With all due respect to you, Mr. Kennedy, as an able lawyer, I disagree with what you have said.

The Chairman. It may be a borderline case. I am unable to determine it at this time. The witness can exercise his privilege.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. Travis. Is there a question before the witness at this time?

The Chairman. There is the question of the bill at the Drake Hotel, at the time the Chair referred to. I believe it to be August 17, 1957. I presented it to the witness and asked him to examine it and state if he identifies it. That is in the nature of a question.

Do you identify it?

Mr. Blaier. Senator McClellan, on the advice of counsel, I refuse to answer the question on the ground that it relates solely to a personal matter, not pertinent to any activity which this committee is authorized to investigate and also because it might aid the prosecution in the case in which I am under indictment.

The Chairman. The Chair finds that the indictment is for alleged actions in 1956 that the crimes charged under the indictment took place.

This is something like a year later. If you want to exercise your privilege, that is all right. But I do not know how this could be related to an offense that was committed a year earlier. It could be by indirection, but certainly not [fol. 84] directly, if the indictment is anywhere near accurate.

Mr. Travis. Indirection, Mr. Chairman, can be just as harmful as a direct matter.

The Chairman. This hotel bill may be marked 'Exhibit No. 49' for reference, and may be found in the files of the select committee.

Mr. Hitz: That will be all, Mr. Tierney.

That concludes the reading from Mr. Blaier's testimony. This may be a good time to quit.

The Court: I think we will have to quit now on account of the time, until ten o'clock tomorrow morning.

(Thereupon, at 3:30 o'clock p.m., the Court adjourned until 10:00 o'clock a.m., tomorrow, Wednesday, April 6, 1960.)

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April 6, 1960
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The Court: All right, gentlemen.

Thereupon PAUL J. TIERNEY the witness at adjournment, resumed the stand, and was further examined and testified as follows:

Mr. Tuttle: Might I, with Your Honor's permission, inquire whether Mr. Tierney has the indictment with him that he said yesterday he would bring with him?

The Witness: Yes. Mr. Hitz has it.

Mr. Hitz: Here it is, Mr. Tuttle.

Mr. Tuttle: Before we leave the testimony of Mr. Blaier, I think it might be completed by taking in, as the committee did, Exhibit 47, which was referred to by the committee, as they described its contents in part, and of course it was the subject of discussion between Mr. Travis and Mr. Kennedy, of counsel, and I would suggest, therefore, that it be part of the testimony of Mr. Blaier just as it was in fact, and under the designation of Exhibit No. 47.

[fol. 85] The only reason it isn't in the printed book is that many of the exhibits the committee said are too bulky to be printed and we will refer to them, or anybody else who wishes to refer to them, and find them in the records of the committee which are public records, as Mr. Tierney said yesterday.

The Court: Is there any objection to that, Mr. Hitz?

Mr. Hitz: No, we don't object to it and I think I can well adopt the views expressed by Mr. Tuttle with respect to the testimony that I am now going to offer, after this has been straightened out, of Mr. Hutcheson.

I feel that all of Mr. Hutcheson's testimony should go into this trial and I think that I could express it as well as Mr. Tuttle has, the fact that we want not only context but we want continuity and chronology here.

Mr. Tuttle: And I appreciate the compliment; I thank Mr. Hitz for it. If I have thrown away all the objections I

may have to make in the course of the testimony he is about to put in, I shall have to exercise the privilege of changing my mind when the time comes. But I don't think I have.

The Court: All right, we will see about that as we go along.

In the meantime, we will let that indictment be noted as being filed as an exhibit such as you suggest.

Mr. Tuttle: Thank you, Your Honor.

Mr. Hitz: Perhaps it may as well retain its number that was given to it by the committee, rather than to become a government exhibit.

The Court: It seems to me that that might be a good thing to do.

What number would that be?

Mr. Tuttle: 47, Your Honor.

The Court: Government's Exhibit No. 47.

Mr. Hitz: It would be the committee Exhibit 47, I believe, Your Honor.

The Court: Yes, Committee Exhibit No. 47.

(Thereupon, indictment from Marion County, Indiana, marked Senate Select Committee Exhibit No. 47 for identification, was marked Government Exhibit No. 47 for identification and received in evidence.)

[fol. 86] Direct examination.

By Mr. Hitz:

Q. Now, Mr. Tierney, would you turn to page 12079, please, of the Part 31, and would you be good enough to read that page down through the call to order?

A. (Reading:)

**"INVESTIGATION OF IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD.**

Friday, June 27, 1958

United States Senate

Select Committee on Improper Activities
in the Labor or Management Field, Wash-
ington, D. C.

The select committee met at 10 a.m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus

room Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, of Arkansas; Senator Sam Ervin, Jr., Democrat, of North Carolina; Senator Carl T. Curtis, Republican, of Nebraska.

Also present: Robert F. Kennedy, chief counsel; Paul J. Tierney, assistant counsel; John J. McGovern, assistant counsel; Harold Ranstad, investigator, Charles E. Wolfe, accountant, GAO; Karl Deibel, accountant, GAO; John Prinos, accountant, GAO; Richard G. Sinclair, accountant, GAO; Ruth Young Watt, chief clerk.

The Chairman. The committee will come to order."

Mr. Hitz: Thank you.

Now, a few questions of a technical sort, Mr. Tierney:

By Mr. Hitz:

Q. Did the McClellan Select Labor Committee, so-called, meet as indicated on the page 12078 which you have just read? Did it in fact occur?

A. It did.

Q. Is that caucus room in the District of Columbia?

A. It is.

Q. Did the committee at that time have a rule adopted pursuant to former Senate Resolution 180 to the effect that a quorum for the purpose of taking testimony of two or more was sufficient?

A. That's correct.

[fol. 87] Mr. Tuttle: For accuracy's sake I believe the proviso was that there were only two or more there should be a representative of each of the Parties.

The Witness: That's correct, yes, sir.

Mr. Hitz: I think that's correct.

The Court: Well, there was such representatives, weren't there?

Mr. Tuttle: Yes, sir.

The Court: All right.

Mr. Tuttle: I don't question the accuracy of this record here, at all.

The Court: All right.

Mr. Tuttle: But if we put the rule in the record I thought we ought to have the completeness of it.

Mr. Hitz: Thank you, sir.

By Mr. Hitz:

Q. Now, will you turn to page 12087?

A. Yes, sir.

Q. And before I ask you to read on that page, Mr. Tierney, so I will not have to interrupt you, I wonder if you would look at the large print a little above the middle, and you will note that it says "Testimony of Maurice A. Hutcheson, accompanied by Howard Travis, counsel—Resumed."

I would like to ask you, had Mr. Hutcheson testified prior to this?

A. No, he had not.

Q. And is the "resumed" a mistake in print here?

A. It's an error.

Q. Now, will you go towards the top where the Chairman said, "Call the next witness," and read, without omission, until I ask you to stop, please, sir?

A. (Reading:)

"Mr. Kennedy. Mr. Hutcheson.

The Chairman. Be sworn, please, sir. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God!

Mr. Hutcheson. I do.

[fol. 88] TESTIMONY OF MAURICE A. HUTCHESON,
ACCOMPANIED BY HOWARD TRAVIS, COUNSEL

The Chairman. State your name, your place of residence, and your business or occupation.

Mr. Hutcheson. M. A. Hutcheson, general president, United Brotherhood of Carpenters and Joiners of America, Indianapolis, Ind.

The Chairman. Thank you very much. Mr. Hutcheson, you have counsel with you. Counsel, identify yourself for the record, please.

Mr. Travis. My name is Howard Travis, Indianapolis, Ind. I have offices at 1011 Fletcher Trust Building. Mr.

Chairman, the witness has informed me that the bright spotlight is distracting to him, and I would like to request that it be turned off.

The Chairman. Well, we will turn them off if the witness cooperates with us, and I assume he is going to cooperate with the committee. For the present, you may turn off the lights.

Mr. Travis. Thank you, Mr. Chairman.

The Chairman. Proceed, Mr. Kennedy.

Mr. Travis. I should like—

The Chairman. The purpose, of course, of granting such a request is that the witness is endeavoring to testify and to testify accurately and truthfully, and that if the lights are a detraction it might interfere with his concentration it is only proper that they be turned off.

I have taken the position, and the committee has sustained me, that it does not take a great deal of concentration simply to read a statement that 'If I told the truth, it might tend to incriminate me.' We would like to defer to every reasonable request and grant it.

But we must reserve the right to determine what is reasonable and what is not, under the circumstances.

Mr. Travis. I want to assure the committee that Mr. Hutcheson will not resort to the guaranties of the fifth amendment, and I would like to correct an impression that was apparently gained by the newspapers yesterday as to Mr. Blaier.

It was not Mr. Blaier's intention in his refusal, as I [fol. 89] draft it, to rely on the fifth amendment. I feel that there are other guaranties that a man under indictment has, including the due-process-of-law clause, that he must be tried only before the court where the indictment is pending.

I would like to repeat for the record this morning, that it is a well-known fact that this witness was, together with others, indicted on February 18, 1958, by the grand jury of Marion County, Ind., and such indictment is now pending in Marion County criminal court, division No. 1, cause No. CR 19429Y, and such indictment has not yet been tried.

The indictment is on two counts.

The Chairman. Mr. Counsel, is that the same indictment that was presented yesterday?

Mr. Travis. Yes, Mr. Chairman. That is the indictment which has been tendered to the committee.

The Chairman. We will keep that in mind.

(At this point, Senator Curtis entered the hearing room.)

Mr. Travis. The indictment refers to transactions occurring in connection with the sale of lands to the State of Indiana, for the construction of the so-called tri-State expressway in Lake County, in the vicinity of Gary.

It is also well known that, in connection with that alleged transaction certain moneys were paid to the State of Indiana prior to the return of the indictment. The alleged transactions are purely personal. I submit, therefore, that any inquiry by this committee into or about any of the facts related to or which might be related to such indictment and the transactions recited therein, however remote the same may be, and whether occurring before or after the transaction recited in the indictment, or as to any matter which might be attempted to be used in furtherance of the prosecution thereof, would be improper, without appropriate pertinency and outside the scope of the investigation which this committee is authorized to make.

It would violate and impair this witness' rights as an American citizen and would be contrary—excuse me, Mr. Chairman, I feel ill.

[fol. 90] May I have a recess, Mr. Chairman?

The Chairman. Yes.

The Court: Who was asking for a recess at the time?

The Witness: Mr. Travis. He was stricken ill at the time.

Mr. Hitz: All right, may I interrupt you a minute?

Turn now to 12104, Mr. Tierney, and before reading I would like to ask you a couple of questions:

By Mr. Hitz:

Q. The testimony of Mr. Huteson was not undertaken by the committee after Mr. Travis stated that he was ill, until this second page that I have asked you to turn to, which is 12104. Isn't that true?

A. That's true.

Q. In other words, we are not omitting any of Mr. Hutcheson's testimony on the return page 12104?

A. That's correct.

Q. And at that time he appeared with an additional lawyer, did he not, as the record will show?

A. That's correct.

Q. Did he at that time also have the advice, services and presence of Mr. Tuttle in the committee room?

Mr. Tuttle: No. I can say he did not.

Mr. Hitz: All right, sir.

Would you please, Mr. Tierney, read on page 12104 the testimony of Mr. Hutcheson?

The Witness: (Reading):

**"TESTIMONY OF MAURICE A. HUTCHESON, ACCCOMPANIED BY
ATTORNEYS HOWARD TRAVIS AND F. JOSEPH DONOHUE—
Resumed.**

The Chairman. Let the record show that Mr. Donohue also appears as counsel for Mr. Hutcheson, with Mr. Travis.

Mr. Travis. May Mr. Donohue finish reading my preliminary statement, please?

The Chairman. Well, let's move along, or you can put it into the record. We are going to proceed as we did yesterday.

Mr. Donohue. It is not very long, Senator.

The Chairman. Proceed.

[fol. 91] Mr. Donohue. I respectfully submit that this committee should not undertake to elicit from this witness, and is without authority to attempt to elicit from this witness, any matters related or which might be related to such personal transactions, or which could be used or might be attempted to be used as evidence or as a means of obtaining evidence in aid of the prosecution of such indictment.

For these reasons, I respectfully request the chairman to rule that interrogations of such character are not pertinent, and are outside the scope of proper inquiry. If such ruling is not made, then I must respectfully protest the making of any such interrogation, and shall feel bound

to advise the witness to refuse to answer on the grounds which I have stated.

Inasmuch as I cannot foresee the interrogations which may be made, I also respectfully request that, if any interrogations are not intended to relate to the matters which I have stated, I, or the witness, be assured of that fact in order that the witness may not be put unwillingly in the position of waiving any right by reason of being unaware and unadvised of the topic of inquiry, and the connective reasoning whereby the precise questions asked related to it.

The Chairman. All right. We will proceed as we did on yesterday, when Mr. Blaier was on the stand. If there is any issue raised by counsel with respect to the jurisdiction of the committee or the propriety of the question, we will rule on them as we go along.

Proceed.

Mr. Kennedy. Mr. Hutcheson, you have been general president of the Brotherhood of Carpenters for how long?

Mr. Hutcheson. January 1, 1952.

Mr. Kennedy. Were you elected at that time?

Mr. Hutcheson. I was first vice president at that time, and, when the former general president resigned and became emeritus, I automatically became general president under the constitution of our organization.

Mr. Kennedy. How had you become first vice president?

Mr. Hutcheson. I was appointed in 1938.

[fol. 92] Mr. Kennedy. By whom?

Mr. Hutcheson. By the general president.

Mr. Kennedy. Who was the general president?

Mr. Hutcheson. William L. Hutcheson.

The Chairman. That was your father?

Mr. Hutcheson. Yes, sir.

Mr. Travis. Could I have the lights turned off again, Senator McClellan?

The Chairman. Yes. Does your constitution provide that the president of your union may, in effect, appoint his successor?

Mr. Hutcheson. When there are vacancies, the general president appoints, subject to the approval of the general executive board.

The Chairman. So, instead of there being an election for general president, it can, and has been, in effect, handed down from father to son?

Mr. Hutcheson. No, sir; that is not correct. The constitution is very clear on how the officers shall be elected and the vacancies filled.

The Chairman. Does it so provide? I mean, it can so operate and did so operate, I believe, in this instance, but you say with the approval of the executive board. It did so operate in this instance that the presidency was, in effect, handed down from father to son.

Mr. Hutcheson. Sir, I did not become president until 1952, and I became general president automatically through the constitution provisions of the first general vice president.

The Chairman. Mr. Hutcheson, that is what I am trying to establish here. One of the primary purposes of these investigations is to determine what the situation is in management-labor relations and, also, with respect to the internal affairs of unions, with a view of considering legislation that might be needed to correct some conditions, some things that we might regard as improper practices.

It has intrigued me that a man can become president of a great organization like this simply by having been designated as such by the general president. Just forget the relationship for the moment between you and your father. But assume he had designated John Doe in the way he [fol. 93] designated his son, and, upon his passing away, you automatically became president. What I wanted to point out was that the membership, the dues-paying members, under your constitution had no opportunity to vote upon you as first vice president, or whatever you were appointed to, did they?

Mr. Hutcheson. I beg your pardon, Senator. I was appointed in 1938, and I got elected in 1940, and again in 1946, and in 1950, and I was elected general president in 1954.

The Chairman. Then you have been elected?

Mr. Hutcheson. Yes, sir.

The Chairman. I didn't quite understand. That is why I wanted to get it clear. We are interested, of course, in democratic processes in the election of officials of unions.

I got the impression from what you said, and that is why I wanted to clear it up, that the office just in effect had been handed to you.

Proceed, Mr. Kennedy.

Mr. Kennedy. You say you were elected in 1938. Did you have opposition in 1938?

Mr. Hutcheson. In 1940.

Mr. Kennedy. Did you have opposition in 1940?

Mr. Hutcheson. No, I did not have.

Mr. Kennedy. When were you elected the next time?

Mr. Hutcheson. 1946.

Mr. Kennedy. Did you have opposition? 1946?

Mr. Hutcheson. Yes, sir, I had opposition in 1946.

Mr. Kennedy. Who was the opposition?

Mr. Hutcheson. From Oklahoma City. Meyers, I believe his name was.

Mr. Kennedy. When was the next time you were elected?

Mr. Hutcheson. 1950.

Mr. Kennedy. Did you have opposition then?

Mr. Hutcheson. No, sir.

Mr. Kennedy. Then you were elected general president in 1954?

[fol. 94] Mr. Hutcheson. 1954.

Mr. Kennedy. Did you have opposition then?

Mr. Hutcheson. No, sir.

Mr. Kennedy. How long have you known Mr. Max Raddock?

Mr. Travis. At this point, Mr. Counsel, is your line of questioning going to be as it was yesterday, relating to the book rather than the Lake County transactions?

Mr. Kennedy. Mr. Raddock is not under indictment in any conspiracy with Mr. Hutcheson. I am just going to ask Mr. Hutcheson about his relationship with Mr. Raddock.

The Chairman. Let the Chair say this: I have gone into the matter a little to ascertain where the line of questioning may go. He will be interrogated regarding the book. He will also be interrogated regarding the use of union funds in a project which, on the face of it at least, appears to have the objective which was to obstruct justice.

So he will be interrogated about those things. As to any act covered in the indictment for the period of which the crime is alleged in the indictment, he will not be interrogated. But the matters that he will be interrogated about are subsequent to the time that the offense in the indictment was charged.

All right.

Mr. Kennedy. How long have you known Max Raddock?

The Chairman. And it is not something for which he is now under indictment.

Mr. Hutcheson. I don't know the exact number of years, but I have known him for some time.

Mr. Kennedy. Can you explain to the committee why you paid him the extra \$50,000, which ultimately amounted to \$250,000, without him producing any books on the book that he was writing and producing on your father?"

Mr. Tuttle: May I have the privilege of making an objection to the further reading about the book. We have spoken of this before, and the questioning on the subject of the book goes on for quite a number of pages here.

[fol. 95] I would like to state that as to this book, Your Honor, there is no dispute about this, that at the convention of 1954 where there were some 2,000 delegates, there was a resolution adopted that, in view of the fact that William L. Hutcheson, who had been their president for decades, had very recently died, and in view of the fact that the history of the United Brotherhood of Carpenters from its small beginnings had paralleled the rise of the labor movement through the years, and therefore the history of the United States, that there should be a book compiled which would be the life of William L. Hutcheson in the setting of the history of the Brotherhood itself, and it was further thought that that book would be extremely desirable as a monument to the Brotherhood in connection with its 75th Anniversary celebration which was about to come along, I think, in the succeeding year, if I remember, and which would involve a celebration all over the United States and Canada, centralized in Washington.

Now, the resolution of a convention directed the Executive Board to proceed with the project of having that book produced and containing the contents which have been de-

scribed. There was a book produced of over 500 pages with many illustrations, pictures, and so forth.

Now, then, their interrogation concerning this book was fully answered at all points by Mr. Hutcheson so far as he had any personal knowledge about it, but the committee pursued the subject on the theory that the book cost the Brotherhood too much and there was a chart displayed and reproduced in the press of the United States to show how and when there were paid in connection with the book some \$310,000.

There were some 368,000 copies produced.

It was questioned whether the original contract when the thing was in embryo had been performed by the publishers. The man with whom the contract was made was Mr. Raddock who had several publishing concerns which had to do with the publishing work of this book. He also undertook to have the research work done, to bring together the 75 years of the history of the Brotherhood, and the life of William M. Hutcheson, from a time prior to his birth, and the story of his ancestors in Scandinavia, and it took an immense amount of time.

[fol. 96] The book was not ready on the time mentioned in the contract, the original contract, because at that time it was in embryo.

Well, I am not going into the merits of the discussion at all, because that is the very thing that I think has no place here. Your Honor is not here, of course, to try the story of the book, whether too much was paid or not enough was paid or whether it was produced at the contractual moments it was to be produced or not, or what the ultimate distribution of the book was throughout the United States and Canada.

We are here to try just one simple thing, and that is 18 questions which were put to Mr. Hutcheson which he did not answer for the reasons that the record will make plain, and not one of which has anything to do with this book at all.

There is no dispute that as far as the book was concerned he answered all the questions that were put to him to the best of his ability.

Now, then, of course it will be said by Mr. Hitz that the funds that were dedicated for the payment of this book by the general convention were union funds, and that therefore the committee had jurisdiction to inquire as to whether the union funds were used providently in connection with the book.

I can't see how that adds anything to the question that is before Your Honor.

These questions that are in this indictment and before Your Honor do refer to union funds and the use of union funds, but in an entirely different connection—not the book at all.

If union funds are a proper subject for the investigation by the committee, then so far as these questions are concerned the questions themselves and the context in which they are decide the question. That is the circumference of the question so far as this indictment is concerned.

I will submit respectfully that if we are to consider every possible question that was made about us of union funds for the book, the use of union funds in connection with the 75th Anniversary, and several other questions that were perfectly extraneous to this indictment but which involved the use of union funds and union property, why, [fol. 97] we are going into the remotest distances from anything that is relevant and they can be extremely prejudicial, because there we are not raising an issue as to whether these questions were properly and justifiably and without criminality refused answers for the reasons that appear in the record, but we will be going into something else unconsciously. Unconsciously we will be considering whether or not the union was run with that kind of accuracy and supervision and oversight and administrative skill and accountancy of responsibility that some of our large executive corporations of economic note are run.

These people are carpenters. They have all started as carpenters; and so that I can understand the desire and I will point to the portions of the record when it comes time, that even in connection with the questions of the indictment there was an intention on the part of this committee to present a picture extremely unfavorable to Mr. Hutchinson and the other general officers of the company, not only

as to this matter of the indictment, subjects related to it, but the whole operation.

Now, I do not feel that we should bring into this record matters that are so completely irrelevant to the precise issue. I hope that we can keep this within the bounds of the question presented by this indictment without the—I would say without the prejudicial consequences of endeavoring, possibly, to blacken the witness—if not from the point of view of morals, at least from the point of view of administrative ability.

I can't conceive that those things are in issue here. The question, the simple question, and the only question, and I am prepared to discuss that at the proper time, is whether or not when the committee said, "We will now interrogate you, Mr. Hutcheson, about what was done to prevent an indictment against you," and we will do that because the doings that we have in mind were after the date when the indictment, to wit, May 1, 1956, this conspiracy was supposed to start.

I have already respectfully called to Your Honor's attention and you will see it on the face of this indictment, that this is a continuing conspiracy.

The date of May 1, which apparently was fastened on [fol. 98] by the Chairman on the advice of his counsel, Mr. Kennedy, was only the beginning of the conspiracy. There is no termination in it. And when the Chairman said that "What we are asking you about is unrelated because it was a year later from May 1st," Your Honor has in mind that the dates were July and April, 1957, which, of course, is a year later than the date inscribed in the indictment for the beginning of the conspiracy: "that therefore, when we ask you about that"—even the restitution of the profits referred to in the indictment—"it is wholly unrelated."

Now, that will be the issue for discussion, and I believe with its various facets will be the question before Your Honor for decision.

But to return to the book, I cannot conceive what possible relevancy to the subject matter which Your Honor will ultimately have to approach for the decision as to whether or not we are guilty or to be acquitted in this connection.

We are building up a record of immense size on a subject that I say is not only remote but so remote that it is over the horizon, and I respectfully urge, therefore, that we should not undertake to read that portion of the testimony of Mr. Hutcheson where he was examined at great length concerning the story of this book.

Mr. Hitz: I would like to state very briefly our position, because then I will be able to suggest to Your Honor a practical solution to this so that we may save some time, which this side of the case is interested in doing.

I may say at the outset that there are only seven pages involved. They could have been read twice over in the last few minutes.

The reason why we think that it is pertinent and helpful to the Court to have this material in is that it shows the original background connection between Mr. Raddock and Mr. Hutcheson and the Carpenters and the Carpenters' funds.

In the particular and more narrow subject which is embraced within the subject of inquiry of this indictment, which is the apparent effort by Mr. Hutcheson and those associated with him in the indictment or in the affair that led to the indictment, and those who acted on behalf of [fol. 99] Mr. Hutcheson and those other suspects to see that they were not indicted and brought to justice out in Indiana, those efforts were, according to the facts that were at the hands of the committee and which have never been cast light upon, those efforts were masterminded by Mr. Raddock, a resident of Merrimac, New York, a publisher and editor with his place of business nearby.

Mr. Raddock goes out to Chicago where he engages a room which was ultimately paid for by the Carpenters, at a time in the very midst of the several weeks of consideration that was being given by the Lake County grand jury and by its prosecutor, Mr. Sawochka, to whether or not there should be an indictment brought within that county.

Mr. Raddock, the skeleton of facts—and that is all the committee ever got—was masterminding this procedure and this effort to see that an indictment was not brought, and it wasn't brought in that county.

In the course of doing so the facts strongly indicate that Mr. Raddock is the one who obtained contact with Mr.

Sawochka, who was head of Local 142 of, not the Carpenters, but the Teamsters, who ultimately made this fake purchase of real estate interest of which we have already heard about, which could have no purpose other than—because the benefits and the fruits of it went to Mr. Sawochka, the prosecutor—could have no other purpose than to benefit the Carpenters' officers, including Mr. Hutcheson, who was under indictment.

So we say that there is considerable relevancy to this particular part of Mr. Hutcheson's testimony, bearing upon the pertinency of the inquiry; both the actual pertinency of it and Mr. Hutcheson's awareness of that pertinency, a second element necessary for the Government to prove.

In addition to that it will have a very important bearing, although not crucial because we have enough without it—but it will have an important role of assistance to Your Honor in determining the important question that is going to be raised by Mr. Tuttle as to whether or not there was legislative purpose to this inquiry, or did it have a purpose solely extraneous to a legislative purpose.

And if we show you, as we will be able to do so by bringing in this background material of the connection between Mr. Raddock and Mr. Hutcheson and the Carpenters and the Carpenters' funds, we can show you that this was an important segment of the investigation into the activities of Mr. Raddock, which were across the border in the field of labor, and that this was an activity that was well within the scope of the committee's powers.

That can best be shown, if we are able to show the connection in which Mr. Raddock first introduced himself to Mr. Hutcheson's activities, to that union, and to those union funds.

I intended merely to state our position and not to urge it or argue it.

I have a practical solution so I don't have to go into further facts and to make an offer of proof.

I would like to suggest to the Court that since we are only concerned here with seven pages, since it is in a different posture from the testimony of other people which was contained in the volume when I offered the entire volume the other day, since it is the testimony of Mr.

Hutcheson leading up to the very things which the indictment questions, that Your Honor hear these seven pages and if Mr. Tuttle feels he should urge again—perhaps he won't after they are read in context—urge again that they are inadmissible and should not be considered by the Court, he may then make a motion to strike, which I am sure Your Honor will give full attention to and decide upon the merits at that time.

I think we should adopt that procedure.

The Court: There is one question I want to ask you in that connection, and that is, what do you think will be brought out in the reading which might reasonably affect my judgment on accepting this testimony now that would not be acceptable without the reading of that testimony?

What is there that you think would meet some of his arguments as to the relevancy of that testimony, then, that does not appear yet?

Mr. Hitz: Well, to answer that question fully would require some bit of time and I would have to go into the entire matter—

The Court: I don't want you to do that. I want you to give me very briefly the reason.

[fol. 101] Mr. Hitz: Well, it would show that Mr. Raddock was hired in 1954 to write and to publish and to deliver and distribute this book.

The Court: Well, there is no dispute about that.

Mr. Hitz: Well, I haven't finished my presentation.

The Court: Yes, I know you haven't.

Mr. Hitz: And that although at an initial price of \$25,000.00, at various stages of this enterprise monies were given out of the treasury of the Carpenters Union by Mr. Hutcheson to this person, Mr. Raddock, who shortly thereafter became a close friend of him to the full tune of \$310,000.00.

As you can see, I am getting into the merits of the offer and I would like again to suggest that the matter could be wiped clean from not only your mind but the record if we allowed Mr. Tierney to read this, subject to a motion to expunge it from the record at a later time.

The Court: Well, I have got right much confidence in your judgment and if you do think that the materials

brought out will have a bearing on what my decision will be, I will follow your thought.

Mr. Hitz: Indeed, I do.

The Court: And, candidly, expunge it if I still adhere to the thought that Mr. Tuttle is correct in saying it has no place here.

Mr. Hitz: Indeed, I do feel that. I am confident that you will—

The Court: I don't think the reading of seven pages is going to swamp us any more than we have been swamped.

Mr. Tuttle: May I address myself to the suggestion just made?

The Court: Yes.

Mr. Tuttle: Preliminarily to addressing myself to that, let me say this, and I think that Mr. Hitz cannot appropriately represent this book as Mr. Hutcheson's responsibility or origination. It was the act of the convention representing the entire Brotherhood, and then it was put in the hands of the Executive Committee, and whatever was paid was paid pursuant to the authority of the convention and the Brotherhood.

I just want to clear that up because his effort is to show that Mr. Hutcheson was undertaking to pay out all these funds for the book. I, of course, claim that even if that [fol. 102] were the case, there is no connection with what we have here at issue.

Now, one other thought, and I will address myself directly to it because Mr. Hitz is undertaking to say that Mr. Raddock—and I think this comes directly to Your Honor's question—that Mr. Raddock masterminded—

The Court: Yes, he did say that.

Mr. Tuttle: —this situation out in Lake County, after May 1, 1956, and before there was any indictment at all anywhere.

Now, I am quite sure that if Your Honor got the impression that I know you did, that all this interrogation of Mr. Raddock, Mr. Sawochka, and Mr. Sullivan yesterday, and the telegram of Holovachka, the prosecutor, the interrogation of Mr. Johnson and the interrogation of Mr. Blaier, it reveals completely that the theory of the committee was that Mr. Raddock was masterminding it. It all,

every question, in one way or another, related to something that by way of a contact with Mr. Raddock or a contact by Mr. Raddock.

So that the theory of masterminding is not to be related at all to his portion of the production of this book.

There is nothing about masterminding anything except the publication of the book, and only to the extent that he was the responsible compiler and researcher for the material, and his company was the printer.

The masterminding for the book was done by the general convention and by the General Executive Board which is a Board of Directors of the United Brotherhood of Carpenters.

So that I think Your Honor's question was a very searching one. Why haven't we got all the masterminding? So far as the only situation that is involved here at all, and that is the Lake County situation, which we could possibly get through the extensive reading of the testimony that has gone into this record already, and which has no narrative at all except the Lake County matter.

And it was Raddock, Raddock, Raddock, according to the questioning of Mr. Kennedy, all the way through that. So we have that; and this testimony about the book isn't [fol. 103] going to add one iota to what the committee was endeavoring to do at that time, that he was masterminding the Lake County matter. Because the Lake County matter is not mentioned in the seven pages that are involved, and my fear is, as I have already expressed, that it could be prejudicial, extremely so, and utterly irrelevant and immaterial.

Now, then, the practical suggestion:

I would ask Your Honor for a little privilege:

I have my associates here. I would just like for a moment to consult with them and then address myself back again.

The Court: All right, I will take a very brief recess and let you consult to your heart's content.

(Short recess taken.)

The Court: All right, did everybody do everything they wanted to?

Mr. Tuttle: I am happy to say that I find that all my associates concur in the view that I mentally formed at the

time I was addressing Your Honor, to wit, that we would accept the suggestion made by Mr. Hitz, because we have perfect confidence that when we make a motion to strike out, it would be considered—

The Court: I certainly will consider it, I promise you that.

What I will do I can't tell you, though.

Mr. Tuttle: Of course.

The Court: But, I mean, I won't hold that against you, that you let it come in.

Mr. Tuttle: Thank you, Your Honor.

By Mr. Hitz:

Q. Mr. Tierney, do you have in mind where you stopped reading?

A. Yes, sir.

Q. And will you read without omission, then?

A. (Reading):

"Mr. Hutcheson. Which item is that?

Mr. Kennedy. That would be starting on March 31, 1955.

Mr. Hutcheson. 1955.

Mr. Kennedy. Yes. It was agreed that you would pay [fol. 104] him \$100,000, and he was to produce the 56,000 books. Why did you pay him this \$50,000 prior to the time that he produced any of the books?

Mr. Hutcheson. That is the first item?

Mr. Kennedy. You paid him \$25,000 to write and furnish 6,000 copies of the book by November 1954. This he failed to do. Despite that fact you paid him another \$25,000 in May of 1954. Then you wanted 50,000 more books and it was decided to give him \$200,000 for that.

You paid him \$50,000 on January 31, 1955; another \$50,000 on February 14, 1955, and it was the understanding that he wouldn't receive the second installment of the \$100,000 until after he had produced the books. But despite that, on March 31, 1955, you gave him another \$50,000. Why did you do that?

Mr. Hutcheson. I did not give him the check you referred to, and if you will check the endorsement on that check,

I think you will find that he did not receive it until the end of November or the first of December of that year.

Mr. Kennedy. This check?

Mr. Hutcheson. Yes.

Mr. Kennedy. Why was it made out on March 31, 1955?

Mr. Hutcheson. Sir, I can't answer that.

Mr. Kennedy. Then let's go to November 31, 1955. Why did you give him the \$50,000 there?

Mr. Hutcheson. I was not present when that check was given to him. The committee that was handling this transaction had the authorization, and it was my understanding that they anticipated that the contract would be filled as provided for on March 31, and were then prepared to take care of it.

Mr. Kennedy. Will you tell the committee why—this is a period of time when you were general president—you paid him \$250,000 to produce 56,000 books and the most he produced some 2 years later were 5,000 books?

Mr. Hutcheson. Mr. Kennedy, this whole transaction has been handled by our general executive board, and because of my relationship I have been reluctant to get into it.

[fol. 105] Mr. Kennedy. You are international president, Mr. Hutcheson?

Mr. Hutcheson. I am international president, that is correct, and the general executive board, when the book was completed, felt very well satisfied with the project.

Mr. Kennedy. Who is chairman of the executive board?

Mr. Hutcheson. I am.

Mr. Kennedy. Don't you think you have some responsibility, as chairman of the executive board and international president, to be giving somebody like Mr. Raddock \$250,000 and getting nothing in return?

Mr. Hutcheson. I most assuredly do, and I try to respect my responsibility in every way.

Mr. Kennedy. What about this February 24, 1956? What was the \$50,000 for?

Mr. Hutcheson. That \$50,000 was for additional books, and I authorized that myself.

Mr. Kennedy. For how many books were you going to get?

Mr. Hutcheson. Well, as I told you, when you interviewed me before, there was no definite commitments on it. There was a discussion as to production of the cheaper book, but at that time there was no conclusion reached. I assumed it was for 10,000 books.

Mr. Kennedy. At \$5 a copy?

Mr. Hutcheson. Yea, sir.

Mr. Kennedy. Why, during all of this period—did you ever go to any other book publisher to find out how much it would cost to produce a book?

Mr. Hutcheson. No, I didn't personally do that.

Mr. Kennedy. Don't you think you had that responsibility? Would you tell the committee why, when they produced 5,000 books, a very limited amount, you paid him another \$50,000 to produce 10,000 books at \$5 a copy?

Mr. Hutcheson. I did not realize that the books had not been printed. We knew they were in the process and we thought they were being mailed out. This is an additional item.

Mr. Kennedy. But you already paid him \$250,000!

Mr. Hutcheson. Yes, sir.

[fol. 106] Mr. Kennedy. And you gave him another \$50,000 making it \$300,000!

Mr. Hutcheson. Yes, I did.

Mr. Kennedy. It wasn't your money.

Mr. Hutcheson. I did it under authorization of our general executive board, because we were preparing for our 75th anniversary.

Mr. Kennedy. Don't you know you can buy a book in a bookstore for \$4.50 or \$5. Didn't you realize that you didn't have to pay \$5 a book when you were buying wholesale?

You were producing the book.

Mr. Hutcheson. Well, Mr. Kennedy, I don't set the price of books. I don't know how the price is established.

Mr. Kennedy. Don't you have one of the largest book publishers right across the street from the International Brotherhood of Carpenters in Indianapolis?

Mr. Hutcheson. I have never seen them.

Mr. Kennedy. You have them three or four blocks down the street, then.

Mr. Hutcheson. I don't know who they are.

Mr. Kennedy. Did you ever confer with anybody in Indianapolis as to how much a book would cost?

Mr. Hutcheson. I did not, sir.

Mr. Kennedy. Did you ever confer with anyone to see how much it would cost?

Mr. Hutcheson. I did not, sir.

Mr. Kennedy. Did anyone in the Brotherhood of Carpenters?

Mr. Hutcheson. I don't know.

Mr. Kennedy. On January 9, 1957, you gave him another \$10,000?

Mr. Hutcheson. Yes, that was after Mr. Fisher had died, and the bill came into the office. I had no way of knowing how Mr. Fisher had arranged for it, so I O.K.'d that bill to be paid."

Mr. Tuttle: May I ask for a stipulation to clarify that answer; that Mr. Fisher at the time he died had been for some years general secretary of the United Brotherhood; so we will know who he is?

[fol. 107] Mr. Hitz: Mr. Tierney, do you have any information or knowledge about that?

The Witness: Yes, that's correct.

Mr. Hitz: I will stipulate it.

The Court: All right.

The Witness: (Reading.)

"Senator Curtis. Mr. Chairman, I would like to ask a question. How are expenditures made by the Carpenters' Union?

Mr. Hutcheson. For what, Senator?

Senator Curtis. Do you have vouchers? Who signs the checks? How do you handle an expenditure?

Mr. Hutcheson. Well, it would depend on the type of expenditure. The regular, ordinary expenses go through the secretary and the general treasurer.

Senator Curtis. And who signs the checks?

Mr. Hutcheson. The treasurer and then there are three cosigners who are eligible to sign it.

Senator Curtis. Who are those three cosigners, what officers?

Mr. Hutcheson. Myself, the first general vice president, and the general secretary.

Senator Curtis. How much was the total expenditure made for writing of this book?

Mr. Hutcheson. Well, according to the chart here, it is \$25,000 that was given for research would be the total amount."

By Mr. Hitz:

Q. At that point in the hearing, did the committee have before it and before the witness Hutcheson a chart?

A. Yes, they did.

Q. Is that the chart on page 11873?

A. That's correct.

Q. I wonder if you would turn to page 11873 and, first of all, I would like, Your Honor, in line with Mr. Tuttle's desire for completeness of record, to suggest that we incorporate page 11873 into the testimony of Hutcheson like we incorporated the indictment into the earlier testimony. [fol. 108] It is just referred to in the testimony of Mr. Hutcheson.

The Court: I take it that is acceptable to you, too, isn't it?

Mr. Tuttle: Well, Mr. Hutcheson in what has already been read, has pointed out one error in the chart, and that was that the chart indicates that on March 31, 1955, there was given \$50,000.

Mr. Hutcheson pointed out that the check was not actually delivered according to the endorsement on it, until the end of that year, December, I think.

The Court: Well, I think the error that was pointed out ought to be noted.

Mr. Hitz: Well, of course, it is in Mr. Hutcheson's testimony.

Mr. Tuttle: I really don't feel, Your Honor—I know personally that that chart was made the subject of much contention as to whether it was accurate or not, and consequently, to bring it in here when the chart itself is not made the subject of any discussion, except for this one question:

"Well, according to the chart here, it is \$25,000 that was given for research would be the total amount."

And then there are other errors. For example, this \$25,000 is described in the chart as to write and publish the

book. Well, that, of course, is not true. The \$25,000, according to the testimony already here, was merely for a preliminary payment for research.

The Court: For gathering data, yes.

Mr. Tuttle: Yes, to get the data together. But the chart puts it down, and of course the chart is written with a purpose to leave our position not very commendable with the public.

It says right there, "To write and publish the book, \$25,000." That wasn't true at all. That was not the contract.

The contract was for research.

Mr. Hitz: The chart was before Mr. Hutcheson, and he had an opportunity then under oath to make any corrections that he desired to make, and he made at least one.

Mr. Tuttle: Not at all. He had no opportunity to make [fol. 109] corrections. It was his business to answer questions as they came along, and he was never asked to make an appraisal of the chart. He was simply asked this one question:

"Well, according to that chart here, it is \$25,000 that was given for research would be the total amount."

Now, he makes the correction there. He says,

"\$25,000 is for the research."

The committee may have had a different view, but we have to go by this, and I must oppose bringing in a chart which was the subject of contention long before this witness was reached, and which is not made the subject of any analysis in the questioning of this witness, nor is he given any opportunity to address himself to the chart. I don't think that would be fair at all.

The Court: Well, is there any testimony in the whole business that goes to the accuracy of the chart?

Mr. Hitz: Oh, yes, there is, there is much testimony.

I think I am accurate in saying that there were several staff members who compiled the chart who testified under oath.

Am I correct in that, Mr. Tierney?

The Witness: That's correct.

Mr. Hitz: That is further indication that this whole volume, really, has got some relevancy to this prosecution although I don't intend, of course, to read more of it than we have indicated already. But it's pretty hard to separate out, and we are going to have to examine legislative purpose, the indictment questions, and the narrow testimony in which those questions arose from this entire investigation on this broad subject of the book, Mr. Raddock, and—

The Court: Who put the chart in evidence?

Mr. Hitz: It was a committee exhibit prepared by the staff, as I understand it.

Is that correct, Mr. Tierney?

The Witness: That's correct.

The Court: Prepared by the staff of what?

[fol. 110] **The Witness:** The staff of the select committee.

The Court: The committee itself?

The Witness: The committee itself, that's correct.

The Court: Prepared the chart?

The Witness: That's correct. I participated in the preparation of the chart.

Mr. Tuttle: Yes.

I stated myself that the committee prepared the chart and hung it up for view at an earlier session of the committee.

My point, Your Honor, is—and I don't want to over-stress it—is that the chart was the subject of considerable challenge.

In the first place, in the description given of what the contract was, because the contract was in writing, and also this reference to March 31st as the date for the payment of \$50,000, which would have been before certain things were done about the book; whereas the check was not actually delivered until November, December, and Mr. Hutcheson says that.

But if Your Honor will have it in mind, that we are not endorsing—

The Court: Yes, I do not think we have to endorse it to have it available for review.

Mr. Tuttle: As long as it is understood that we don't endorse it—

The Court: Well, let it be so understood, then.

Mr. Tuttle: Yes.

The Court: Let it be filed with the notation that the accuracy of it has been challenged.

Mr. Tuttle: Yes, sir.

The Court: All right.

Mr. Hitz: And I will agree that Mr. Tuttle does not vouch for the accuracy of the indictment either.

The Court: Yes.

Mr. Tuttle: Now, that is a concession. I appreciate that.

The Court: All right.

[fol. 111] By Mr. Hitz:

Q. Now, Mr. Tierney, had you read the entire page of 12108?

A. Yes.

Q. Now will you continue to read without omission:

A. (Reading):

"Senator Curtis. The research and the writing.

What does it all total?

Mr. Hutcheson. Well, all other items include a certain number of books, Senator.

Senator Curtis. Yes. And how much does that amount to? The grand total on this book project is what?

Mr. Hutcheson. \$310,000.

Senator Curtis. \$310,000.

From what account in the Carpenters International would this be paid? Your general account?

Mr. Hutcheson. Sir?

Senator Curtis. From what account was this \$310,000 paid? Was it your general account?

Mr. Hutcheson. From the general fund; yes, sir.

Senator Curtis. And that is made up from the remissions that are made by local carpenters' unions?

Mr. Hutcheson. Yes, sir.

Senator Curtis. What determines how much money they contribute to the international?

Mr. Hutcheson. The local unions?

Senator Curtis. Yes.

Mr. Hutcheson. The per capita tax?

Senator Curtis. Yes, the per capita tax.

Mr. Hutcheson. The membership decides themselves on a per capita tax. At the present time it is \$1.25.

Senator Curtis. How often?

Mr. Hutcheson. A month.

Senator Curtis. But it is the same for all local unions?

Mr. Hutcheson. No. No, sir. We have two different [fol. 112] statutes of local unions, what is known as beneficial local unions paying \$1.25, and a semibeneficial local union pays 65 cents.

Senator Curtis. What is the difference?

Mr. Hutcheson. The difference is in the funeral donations and home and pension benefits.

Senator Curtis. Those that share in what might be determined fringe benefits pay \$1.25 and the others pay 65 cents?

Mr. Hutcheson. That is right, sir.

Senator Curtis. That is per member of the local?

Mr. Hutcheson. That is right, sir.

Senator Curtis. Not all of your membership is voluntary; is it?

Mr. Hutcheson. It couldn't be any other way, Senator.

Senator Curtis. Aren't there situations where men are required to belong to the Carpenters' Union in order to go on a job or stay on a job?

Mr. Hutcheson. Well, I suppose there is where union-shop agreements are in effect, and they would be required to follow out the provisions of the contract.

Senator Curtis. You have a number of union shop agreements; do you not?

Mr. Hutcheson: Yes.

Senator Curtis. The point I wish to bring out for the record is this: That a voluntary association certainly could spend any money that the proper body or the membership itself decided to spend on a book about a president or a history of the organization, but I seriously question the right of any organization to spend money for other than the collective bargaining purposes where their membership, in part, is maintained under a requirement that men must pay it in order to hold their job.

So separate and apart from whether or not the arrangements with Mr. Raddock were wise and prudent trusteeship, I further raise the question of the right to compel individuals who may, over a long period of time or for a short period of time, have to contribute a part of the \$310,000 for a book.

[fol. 113] Mr. Hutcheson. Well, sir, our general executive board was under directions from our general convention of 1954, directing that they see to it that a sufficient number of books were purchased and given proper distribution. The general executive board in going into the project, and after being directed by the convention, felt that they were required to carry out the directive issued to them.

Senator Curtis. One of the arguments, and the principal argument, as I see it, given for compulsory unionism and the union shop is that every man should pay a part of the cost of the collective-bargaining expenses and the gains that he gets in wages and other benefits, and that there shouldn't be any free riders.

That argument is freely made. But I can't see any argument for collecting dues from people who are required to join an organization or lose their job, and collecting them in the amounts that call for items of travel to Europe, such as we have here, and the purchase of citrus groves, and expenditures of \$310,000 on books about a late president of the organization.

I seriously question both the moral and legal right for such expenditures.

Mr. Hutcheson. Well, sir, our general executive board and I am sure the convention felt the same way, that it would make good public relations to circularize this book. Others pay certain amounts for public relations and we felt that this was our way of making our contribution. We have not had one single complaint from any member in respect to this project.

Senator Curtis. That is all, Mr. Chairman.

Senator Ervin. I would advise the next time you go into a project like that you sort of look around and invite a little competition. The evidence before this committee indicates very strongly that you could have gotten this book written by the foremost historian in the United States for far less money.

Mr. Hutcheson. That is the reason you ought to do a little investigating before you commit yourself to the writing of a book by one man without looking around and trying to find out about some other folks to have charge of the writing and publication. In other words, frankly, the evidence indicates that your board was about as inexperienced in matters like this as it is in the practice of medicine and surgery, or sending sputniks into the stratosphere.

Mr. Hutcheson. I don't think they are experienced in it, Senator. I would have to agree with you.

Senator Ervin. Except now I think you are. Which reminds me of these two men that went into business down in my country, and the business wound up with one of them having the business. I was talking to the fellow, one of the members who had been ousted, and he said when he went into the business with this man, that he furnished the capital and the other fellow furnished the experience, and he said 'Now this fellow has the capital and I have the experience.'

Mr. Kennedy. Did it ever concern you, Mr. Hutcheson, that this book was not being produced on schedule?

Mr. Hutcheson. I beg your pardon!

Mr. Kennedy. Did it ever concern you that this book was not being produced on schedule?

Mr. Hutcheson. Yes. We were all concerned, because we were interested in having production and getting it out into circulation.

Mr. Kennedy. Then why did you keep giving him more money, when you were concerned?

Mr. Hutcheson. Well, I am sure that Secretary Fisher, and I know I was myself, felt that the book was being published and was being mailed out in the proper time.

Mr. Kennedy. When was it in fact that you found that the book was not being mailed out?

Mr. Hutcheson. In 1957 I received information at that time that the book was being distributed very slowly.

Mr. Kennedy. How did you find that out?

Mr. Hutcheson. I had a survey made in the State of Indiana.

Mr. Kennedy. Why did you have a survey made?

[fol. 115] Mr. Hutcheson. To determine—the survey originally started to determine what the reaction of the book was, which, of course, then brought out the number of books that had been distributed.

Mr. Kennedy. How much did you pay for the survey?

Mr. Hutcheson. I don't recall.

Mr. Kennedy. Some \$2,900?

Mr. Hutcheson. Possibly so. I don't recall the exact figures.

Mr. Kennedy. Did you find in the survey that out of 907 people that were supposed to receive the book, only 39 were known to have received the book?

Mr. Hutcheson. Well, whatever the report was, Mr. Kennedy. I don't have it before me.

Mr. Kennedy. During this period of time did you try to get a list? Mr. Raddock under the contract was supposed to furnish you a list of those to whom he was sending the book. Did you get that list from him?

Mr. Hutcheson. I received a list, and that is what the survey was based on.

Mr. Kennedy. Then he was defrauding you at that time?

Mr. Hutcheson. I don't know that I could say he defrauded me.

Mr. Kennedy. Did he furnish you a list of those who had been recipients of the book?

Mr. Hutcheson. No, I did not say that. I received the list only. It evidently was the list that he intended to mail the books to, because it has been checked against the list now that we have received, and all but three on that list have received the book.

Mr. Kennedy. When did you finally receive the list of those who got the books? As of the time I interviewed you in January of this year you hadn't received any such list.

Mr. Hutcheson. We had the list delivered to us at Lakeland, Fla., at the general executive board meeting in February of this year.

Mr. Kennedy. February 1958?

Mr. Hutcheson. That is right.

Mr. Kennedy. Some 3 months after we began our investigation?

[fol. 116] Mr. Hutcheson. That is right.

Mr. Kennedy. Under the terms of the contract, Mr. Hutcheson, you were supposed to receive the list of those who were to get the book back in 1955. March of 1955, and you didn't receive it until February 1958, some 3 years later?

Mr. Hutcheson. We could hardly have received it in 1955, Mr. Kennedy, when the book wasn't completed until December of 1955.

Mr. Kennedy. Well, under the terms of the contract, the contract that you signed with Mr. Raddock, you were to receive the list back in March of 1955. I have the contract right here. Can you give us any explanation for that?

Mr. Hutcheson. Well, I can't give you any explanation, because there could be no list at that time.

Mr. Kennedy. It says 'Being agreed the contract will be performed by March 31, 1955.' That is what the contract says.

Mr. Hutcheson. That is true, but it wasn't completed, as is shown, until November of 1955.

Mr. Kennedy. Did you take some action at all against Mr. Raddock to try to get your money returned?

Mr. Hutcheson. No, we didn't take any action to try to get our money returned. What we were interested in was completing the project and having the book out for distribution.

Mr. Kennedy. Now that you have found from the testimony before the committee that you should have only paid about a dollar per copy for the book, are you going to take any legal action against Mr. Raddock?

Mr. Hutcheson. Mr. Kennedy, when this hearing is completed, I intend to obtain a transcript of the whole proceeding and have each member of our board review it and call the board into meeting and let them make the decision.

Mr. Kennedy. Based on the information you have so far, do you intend to recommend to the board that some legal action be taken against Mr. Raddock for defrauding the Carpenters?

Mr. Hutcheson. I could make no comment on that until I [fol. 117] review it myself and read the testimony. I haven't attended all of these hearings.

Mr. Kennedy. And you haven't reviewed the testimony?

Mr. Hutcheson. Not completely, no, sir.

Mr. Kennedy. Well, you know what the situation is. Certainly it has been brought to your attention. Certainly you must be interested, being the international president. You say you haven't enough information yet to be able to determine whether you are going to take any legal action against Mr. Raddock?

Mr. Hutcheson. I cannot make any commitment in that respect, Mr. Kennedy. I said it is a case to be reviewed by our general executive board who instituted this project, and this and any other subjects that are considered in this hearing.

Mr. Kennedy. Then you also paid Mr. Raddock some \$83,000 for the 75th anniversary dinner and for other public relations activities"—

Mr. Tuttle: Excuse me for interrupting. This merely takes up the 75th anniversary expenses, and other matters.

May I ask if Mr. Hitz wants that read?

Mr. Hitz: There is only a page and a half and I feel there is enough virtue in continuity and context, that perhaps it would be better to read it, so then we will have the entire picture of Mr. Hutcheson's testimony and the background of the indictment.

I do want it read.

Mr. Tuttle: Your reading will be subject to the same right on my part to appeal to Your Honor to strike it out.

The Court: That's right, but at the same time I want you both to keep track of what part has been put in subject to that sort of objection.

Mr. Tuttle: Yes, sir.

The Court: All right.

By Mr. Hitz:

Q. And without omission, Mr. Tierney—

A. (continuing:)

"—for you. We found from a review of the records that the most he could have spent in that connection was some \$25,000. So he got overpaid some 3 or 4 times on that also. [fol. 118] Mr. Hutcheson. Well, I couldn't determine how

you arrived at your figures. I know that during 1956 there was our 75th anniversary of the Brotherhood of Carpenters. It consisted of eight regional conferences, and Mr. Raddock attended each and every one, and prepared the arrangements, procured the speakers, and he did considerable work, and working night and day all during that period.

Mr. Kennedy. Was he to receive a salary or payment for the work he was doing during this period?

Mr. Hutcheson. He did not receive a salary. We received a bill at the end of the period.

Mr. Kennedy. Did you get any breakdown as to how he was spending the money you were giving him, if it was supposed to be for expenses?

Mr. Hutcheson. None other than was included in the documents which were turned over to you.

Mr. Kennedy. Did you ask for any vouchers, any support for any of these bills?

Mr. Hutcheson. No.

Mr. Kennedy. That is all together some \$400,000 that was paid to Mr. Raddock, for which there is very little support. Did you, Mr. Hutcheson, order these paperback books from Mr. Raddock?

(At this point, Senator Curtis left the hearing room.)

Mr. Hutcheson. I did not order them directly, no, sir. They had been discussed on several occasions.

Mr. Kennedy. How many books was Mr. Raddock to produce, how many hard-bound books was Mr. Raddock to produce under the contract?

Mr. Hutcheson. How many did he?

Mr. Kennedy. How many was he to produce?

Mr. Hutcheson. Fifty-six thousand, originally, with an additional 10,000 making it 66, plus the 2,000.

Mr. Kennedy. So that would be 68,000?

Mr. Hutcheson. I would say so.

Mr. Kennedy. How many has he produced so far? Don't you know, Mr. Hutcheson?

[fol. 119] **Mr. Hutcheson.** Not without looking at the figures I don't have that report, that final report.

Mr. Kennedy. Do you know if he has met all the terms of the contract?

Mr. Hutcheson. Sir?

Mr. Kennedy. Has he met the terms of the contract?

Mr. Hutcheson. Yes, he has now.

Mr. Kennedy. He what?

Mr. Hutcheson. Yes, sir, he has.

Mr. Kennedy. Would you count up these books with me?

Here is 5,000, 3,100 is 8,100, plus 10,000 is 18,100, plus 40,000 is 58,000 books. He is still 9,900 short, Mr. Hutcheson.

Mr. Hutcheson. Well, there is an additional item there, Mr. Kennedy, of 13,000 paperbacks that you didn't include.

Mr. Kennedy. I just asked you that, whether that was under the agreement, and you told me it was not, that he was to produce 68,000 hard-covered books. That is according to your own testimony. That is what you told me. He only produced 58,100. Are you going to take any legal action against him on that?

Mr. Hutcheson. Sir, I am going to submit the entire matter to the general executive board for their consideration.

Mr. Kennedy. But you are not even going to say whether you are going to try to get your other 9,900 books? You wouldn't even tell that to the committee?

Mr. Hutcheson. The general executive board is the functioning body, Mr. Kennedy, and the one that instituted this project. Therefore, it is their responsibility to review the transcripts from this hearing and make their decision on it.

Mr. Kennedy. Why have you had such a friendly relationship with Mr. Raddock during this period of time, Mr. Hutcheson? Has he performed some special tasks for you?

Mr. Hutcheson. No, sir.

Mr. Kennedy. He has not?

[fol. 120] Mr. Hutcheson. No, sir.

Mr. Kennedy. What kind of work has he done for you?

Mr. Hutcheson. Public relations work and so forth, during 1956, 75th anniversary, as outlined by you just a few minutes ago.

Mr. Kennedy. Has he done any illegal act for you on your behalf?

Mr. Hutcheson. On advice of counsel, I refuse to answer the question on the ground that it relates solely to

a personal matter not pertinent to any activity which the committee is authorized to investigate, and also it relates or might be claimed to relate to or aid the prosecution of the case in which I am under indictment and thus be in denial of due process of law.

Mr. Kennedy. Mr. Chairman, this is a man who has received over 500,000 from the Carpenters over a period of time, and I am asking a question as to whether Mr. Raddock has performed any illegal acts on behalf of Mr. Hutcheson. I think it is very pertinent to the investigation."

Mr. Tuttle: I just want to ask Your Honor to observe that the matter of the books has been apparently concluded at this point and now they are taking up something else, and it is in connection with that and that only, this something else, that Mr. Hutcheson is stating that on advice of counsel, and the something else is this land matter in Indiana.

The Court: Well, I can't tell that it is, but he does ask him if he has performed any illegal matter for him, and that is what I understand that he says on advice of counsel he refuses to answer.

Mr. Tuttle: Yes, but the context as we go along, I am just calling Your Honor's attention to the matter of the book, it has been laid aside.

The Court: Maybe it has. It is not clear to me that it has but I will take your interpretation of it for the moment.

Mr. Tuttle: Thank you, Your Honor.

The Witness (Reading):

"The Chairman. Mr. Raddock is not in the indictment?
Mr. Kennedy. No, he is not.

The Chairman. He is not a defendant†.

Mr. Kennedy. He is not.

[fol. 121] The Chairman. This question is related to union activities?

Mr. Kennedy. That is correct, and does not affect in any way the merits of the indictment.

Senator Ervin. Mr. Chairman?

The Chairman. Let me suggest that the question be rephrased and ask him if he performed any illegal acts for him in connection with his official position or his relationship to the international union that he represents.

Senator Ervin. Mr. Chairman, I was going to make a suggestion like that, but I would suggest that it be a little more restricted, if he performed any illegal act on behalf of the union rather than on behalf of Mr. Hutcheson.

The Chairman. All right.

The Chair will ask the question: Has Mr. Raddock performed for you on behalf of the union any illegal act?

Mr. Hutcheson. Definitely not.

The Chairman. Has he received from the union payment for acts performed in your behalf and for you as an individual?

Mr. Hitz: I have an extra copy of the indictment if you care to have it as a working copy while we are going through the indictment question at this point, Your Honor.

The Court: All right.

(Document handed up.)

The Court: Is that the only copy you have got?

Mr. Hitz: Oh, no, I have a drawer full of them, Your Honor.

The Court: All right.

Mr. Hitz: And the question was on page 12155 just read by Mr. Tierney, and at the top of that page.

Now, will you continue without omission, Mr. Tierney?

The Witness (Reading):

(Witness conferred with counsel.)

Mr. Travis. May I have the question read, please?

(The pending question was read by the reporter.)

(Witness conferred with counsel.)

[fol. 122] Mr. Hutcheson. On the advice of counsel, I refuse to answer the question on the ground that it relates solely to a personal matter, not pertinent to any activity which this committee is authorized to investigate, and also it relates or might be claimed to relate to or aid the prosecution in the case in which I am under indictment, and thus be in denial of due process of law.

The Chairman. The Chair overrules the objection, with the approval of the committee, and the Chair orders and directs the witness to answer the question.

(Witness conferred with counsel.)

Mr. Hutcheson. Mr. Chairman, I renew my refusal.

Senator Ervin. Mr. Chairman, I would just like to make an observation at this point.

The Chairman. Let him finish, if he will.

Did you finish your answer? The Chair is now ordering and directing you to answer the question, with the approval of the committee.

Mr. Hutcheson. On advice of counsel, Mr. Chairman, I refuse, for the same reasons as given previously.

The Chairman. All right, Senator Ervin.

Senator Ervin. Mr. Chairman, I just wanted to suggest that in my judgment there is no validity in the first point of his objection. This question does not relate to a purely personal matter. It relates to the use of union funds, and certainly this committee has authority to investigate the use of union funds.

The Chairman. For that reason, the Chair ordered the witness to answer the question, because we certainly have jurisdiction to interrogate about the expenditure of union funds, and the question was predicated upon the payment out of union funds, which might be an improper expenditure of union funds to perform a personal service for the witness. I think that the question is legitimate. Its objective is obvious, to ascertain the conduct of this witness with respect to his position in a fiduciary capacity as trustee of union money. The question stands.

Do you still refuse to answer the question?

[fol. 123] Mr. Hutcheson. Yes, sir.

The Chairman. Have you paid out of union funds to Mr. Maxwell C. Raddock moneys in connection with services rendered for you in a legal matter where you may have been involved, or being in prospect of being involved, either by civil action or by criminal action, other than services he may have performed for you, if any, in connection with the matters for which you now stand indicted?

(Witness conferred with counsel.)

Mr. Hutcheson. On advice of counsel, I refuse to answer the question on the ground that it relates solely to

a personal matter not pertinent to any activity this committee is authorized to investigate, and also it relates or it might be claimed to relate to or aid the prosecution in the case in which I am under indictment and would thus be a denial of due process.

The Chairman. The Chair excluded in the question the case for which you now stand indicted, or the acts for which you may stand indicted. I am asking if you have used union funds to pay him for services rendered to you, not to the union but to you personally, in connection with legal matters, either civil or criminal, in which you were involved or in which you potentially may have become involved.

I don't want there to be any misunderstanding about this question. You have counsel. I am talking now about union funds, union money, for which you are responsible and accountable and over which this committee has jurisdiction to investigate.

Mr. Travis. Mr. Chairman, of course, the refusal was not limited solely to a personal matter, as you will recall.

The Chairman. You may advise your client as to what you want him to do. I am sure he wants to take your advice. But the Chair is pursuing what he conceives to be this committee's duty.

Mr. Travis. Mr. Chairman, very respectfully, in view of what I have heard in the prior testimony before this committee, I believe I know the direction that the question takes, and it is my duty to advise this witness not to answer, and I do so advise him.

[fol. 124] The Chairman. Then the witness, on the advice of counsel refuses to answer the question?

Mr. Hutcheson. Yes, sir.

The Chairman. I understand, it is very clear now, that you are not invoking the fifth amendment privilege?

Mr. Hutcheson. That is right, sir, I am not invoking it.

The Chairman. You are not exercising that privilege?

Mr. Hutcheson. No, sir.

The Chairman. You are challenging the question and the jurisdiction of the committee for the reasons you have stated and for those reasons only?

Mr. Hutcheson. Yes, sir.

The Chairman. All right. We have a clear understanding about that.

Now, I will ask you another question. Have you, unrelated to this offense charged in the indictment now against you, engaged the services of Mr. Raddock, and have you paid him out of union funds for the performance of those services, to aid and assist you in avoiding or preventing an indictment being found against you or being criminally prosecuted for any other offense other than that mentioned in this indictment?"

Mr. Hitz: Excuse me.

That is Count 2, Your Honor.

All right, proceed, Mr. Tierney.

The Witness: (Reading)

"(Witness conferred with counsel.)

Mr. Hutcheson. On advice of counsel, I refuse to answer on the same grounds as previously stated, sir.

The Chairman. The Chair with the permission of the committee, with its approval, orders and directs the witness to answer the question.

(Witness conferred with counsel.)

Mr. Hutcheson. I still refuse to answer on the same ground, sir.

The Chairman. Did you engage the services of Mr. Raddock and pay him for those services out of union funds to [fol. 125] contact, either directly or indirectly, the county prosecuting attorney, Mr. Holovachka, given name Metro, in Lake County, Gary, Ind.? Bear in mind, the question is: Did you engage him and pay him to do that out of union funds?

Mr. Hitz: That's Count 3.

The Court: Yes.

The Witness (Reading):

"(Witness conferred with counsel.)

Mr. Hutcheson. On the advice of counsel, I refuse to answer on the same ground as previously related.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse for the same reason, Mr. Chairman.

The Chairman. Have you engaged Mr. Raddock to perform services, personal services, for you, of any nature whatsoever, and paid him for such services out of union funds? I will ask that over the period of the past 5 years?

(Witness conferred with counsel.)

Mr. Hutcheson. On the advice of counsel, I refuse to answer on the same ground as previously related.

The Chairman. With the approval of the committee, the Chair orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

The Chairman. The witness understands that the Chair is interrogating him regarding union funds; do you not?

(Witness conferred with counsel.)

Mr. Hutcheson. Yes, sir.

The Chairman. With that understanding, knowing that I am interrogating you only about the expenditure of union funds to Mr. Raddock for personal services he may have performed for you and not for the union, do you still decline and refuse to answer the question?

(Witness conferred with counsel.)

Mr. Hutcheson. Yes, sir, for the reasons stated.

The Chairman. And, again, not invoking the privilege of the fifth amendment, you stand only and solely upon the statement you have read?

[fol. 126] Mr. Hutcheson. Yes, sir.

The Chairman. And you are not exercising the privilege that, by answering, a truthful answer might tend to incriminate you?

(Witness conferred with counsel.)

Mr. Hutcheson. No, sir.

The Chairman. Then the record is made, so far as I know. As I understand your position, you have acted on the advice of counsel and it amounts to simply challenging the jurisdiction of this committee to interrogate you about the expenditure of union funds for personal services that

may have been rendered for you rather than for the union.
Is that correct?

(Witness conferred with counsel.)

Mr. Travis. Mr. Chairman, I would like to direct the committee's attention at this time to the fact that the refusal goes over and above the jurisdictional question of the committee, and it goes into a matter which—when the statement that the Chair just made refers to the expenditure of union funds for personal matters—have also involved Maxwell Raddock, and in the prior testimony the committee has shown that that relates to this Lake County transaction, for which Mr. Hutcheson is under indictment.

The Chairman. Well, I think we may very well disagree about that, but I would like to have the answer to my question. The witness can answer the question or refuse to answer it, or whatever you want to advise him to do.

Mr. Travis. May I have the question read, please?

(The pending question was read by the reporter.)

(Witness conferred with counsel.)

Mr. Hutcheson. Mr. Chairman, the answer is no, because the question goes beyond the question of a personal matter and reaches into the area of a question under which I am indicted.

The Chairman. The Chair does not intend to and is not interrogating you about anything concerning the indictment. I am asking you the question of whether you have used union funds to pay Max C. Raddock for personal ser-[fol. 127] vices rendered to you, period.

(Witness conferred with counsel.)

Mr. Hutcheson. Sir, counsel advises me that it does reach into the matter under which I am indicted, and advises me to refuse to answer.

The Chairman. Do you mean by that statement that you have just made, that counsel advises you that it does reach into that matter, that he was employed in connection with the matters in the indictment some way? You can answer

that 'yes' or 'no' or refuse to answer it. I am not talking about that.

Mr. Hutcheson. On advice of counsel, I refuse to answer on the same grounds as previously related, sir.

The Chairman. The Chair, with the approval of the committee, orders and directs you to answer this question. I will try to repeat the question, just as it is in the record.

Have you paid Max C. Raddock out of union funds for personal services rendered to you at any time within the past 5 years?"

Mr. Hitz: That is Count 4, Your Honor.

The Court: Yes.

The Witness (Reading):

"(Witness conferred with counsel.)

Mr. Hutcheson. On advise of counsel, I refuse to answer on the same ground as previously related.

The Chairman. With the approval of the committee, the Chair orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

The Chairman. Proceed, Mr. Kennedy.

Senator Ervin. Mr. Chairman?

The Chairman. Senator Ervin.

Senator Ervin. Have you used union funds to pay Max C. Raddock for any services rendered to you personally, wholly disassociated from any matters out of which the pending criminal charge arose?

"(Witness conferred with counsel.)

Mr. Hutcheson. On advice of counsel, I refuse to answer on the same ground."

[fol. 128] Mr. Hitz: Count 5, Your Honor.

The Witness (Reading):

"(Witness conferred with counsel.)

Mr. Hutcheson. On advice of counsel, I refuse to answer on the same ground.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

Senator Ervin. Is your refusal to answer questions concerning the use of union funds in situations wholly disassociated from any of the circumstances connected with the indictment against you based upon the theory that the due process clause embraces the protection afforded by the fifth amendment against self-incrimination?

(Witness conferred with counsel.)

Mr. Hutcheson. Sir, my attorneys advise me that that is a question on constitutional law and I am not qualified to answer it."

The Court: I don't understand that question and answer. What was it?

The Witness (Reading):

"Senator Ervin. Is your refusal to answer questions concerning the use of union funds in situations wholly disassociated from any of the circumstances connected with the indictment against you based upon the theory that the due process clause embraces the protection afforded by the fifth amendment against self-incrimination?

Mr. Hutcheson. Sir, my attorneys advise me that that is a question on constitutional law and I am not qualified to answer it.

Senator Ervin. Then are you telling this committee that you are not refusing to answer any of these questions concerning the use of funds in areas outside of the matters covered by the indictment, are not based in any way upon your belief that your answers to the questions would tend to incriminate you?

(Witness conferred with counsel.)

Mr. Hutcheson. Sir, the grounds that have been related [fol. 129] and included in the record are the grounds that I am going to stand on, on this question.

Senator Ervin. What I am asking you is this. You say you are not invoking the privilege of self-incrimination; is that right?

Mr. Hutcheson. That's right.

Senator Ervin. And you do not contend that due process of law, in and of itself, includes a privilege against self-incrimination?

(Witness conferred with counsel.)

Mr. Hutcheson. Sir, that is a legal question. I am not qualified to answer.

Senator Ervin. Well, you have been advised by your counsel. You base your right to answer on the advice of counsel. So, I ask you if your counsel has given you to understand, and if that influences your refusal to answer, that the due-process clause does embrace the privilege against self-incrimination.

(Witness conferred with counsel.)

Mr. Hutcheson. Sir, counsel has not advised me on that particular issue.

Senator Ervin. You realize that the invocation of a constitutional privilege is a matter which is personal to a witness, do you not?

(Witness conferred with counsel.)

Mr. Hutcheson. I am sorry, but I just don't know anything about it, sir.

Senator Ervin. Do you mean that you don't understand the fact that a person who is a witness does not have to invoke a constitutional privilege against testifying? In other words, don't you realize that that is a privilege which a witness is allowed by the Constitution itself to waive?

(The witness conferred with his counsel.)

Mr. Hutcheson. Sir, that is a matter on which I am not informed.

Senator Ervin. Well, you can ask the counsel. You are taking advice from your counsel. Ask the counsel if that is not a fact; that a witness has the right to waive any constitutional privilege against testifying, whether it is based on the 14th amendment, or the 1st amendment, or [fol. 130] the 5th amendment. You are acting on advice of counsel; so ask your counsel's advice on that, and advise the committee.

(The witness conferred with his counsel.)

Mr. Hutcheson. Sir, I have been advised that certain matters related to this subject might be claimed to relate or to aid the prosecution of the case in which I am under indictment and, thus, be in denial of due process of law.

Senator Ervin. The committee has tried, the counsel of the committee, the chairman of the committee, and myself have tried, to make it as clear to you as the English language permits anyone to make anything clear, that these questions relate to matters that are wholly disassociated from the circumstances out of which the indictment now pending against you arose, and you tell me that you still do not understand that we are refraining from asking you questions about the matters out of which the circumstances connected with the indictment are not concerned?

Mr. Travis. Senator, I am a little confused myself on that question. Could it be read again?

Senator Ervin. We have repeatedly stated, to Mr. Hutcheson, that we are not asking him to make any revelations about any circumstances that have any connection whatever with the indictment pending against him, but we are asking him about the use of union money under circumstances entirely disassociated from the matters out of which the indictment arises.

(The witness conferred with his counsel.)

Mr. Travis. Mr. Chairman, of course, I have to assume the responsibility for advising this witness, and have done so, and the specific question which I believe you referred to about the expenditure of union funds for matters not connected with the union, if answered, and a refusal to answer the other question as to whether it was connected with union matters might lead to the inference that Mr. Raddock was paid moneys out of union funds for personal matters.

Senator Ervin. With all due respect to counsel, that does not seem to be a really relevant observation. What [fol. 131] we were talking about, Counsel, was that we were asking him about the use of union funds for pur-

poses wholly disassociated with the circumstances out of which the indictment arises.

Mr. Travis. I think that is just where the inference might arise.

Senator Ervin. In other words, you are telling the committee that, in your opinion, if he answers a question about matters wholly disassociated from the circumstances out of which the indictment arises, that will constitute an inference that he made payments in connection with the circumstances out of which the indictment arose?

Mr. Travis. Yes.

Senator Ervin. That is something I am unable to comprehend, with all due respect to counsel. I have a high respect for the function of counsel. Certainly, as a practicing lawyer, and while in this committee, I always have resented any effort to question a man about circumstances that involved a pending indictment. But the fact that a man is involved in a pending indictment does not give him a right under either the 14th amendment or any other amendment that I know of to refuse to answer questions in wholly disassociated areas. That is what this committee is talking to.

Mr. Travis. I hope you realize, Senator, it is a very delicate question for me and a very heavy responsibility. But, knowing what I do about the matter under which he is indicted, I have to exercise my judgment as best I can. There are certain areas that I have determined I cannot safely allow Mr. Hutcheson to testify, and which I think would violate his fundamental rights if he was forced to.

Senator Ervin. I understand your position very clearly; that it is your opinion that Mr. Hutcheson can't give the committee any information about the use of union funds in any area of his personal activity for fear that it might raise some inference against him in a matter wholly disassociated. I was interested in the question as to whether his refusal to answer is based in any way upon the understanding that the 14th amendment includes a right to refrain from self-incrimination.

Mr. Travis. I don't think the witness, himself, under-

stands anything about constitutional law, if I may put it that way.

[fol. 132] Senator Ervin. I was asking so that this committee can clarify itself, and so that some day maybe some court will rule on the question of where the people that drew the Constitution wasted the ink that wrote the fifth amendment on the provision against self-incrimination when they put in the due-process clause. I was trying to ask him to ask his counsel if the advice of counsel was based in any part, the advice of counsel that he should refrain from answering, was based in any part upon the understanding or theory that the due-process clause embraced within its purview the right to refrain from self-incrimination as set forth in the fifth amendment.

Mr. Travis. Of course, I think any man under indictment guarantees of due process of law should not be questioned in any form concerning any matter that might remotely in any way aid the prosecution in that case.

Naturally, this committee can't sit as prosecutors or judges or jurors in that matter under which Mr. Hutchinson is indicted.

I think there are fundamental guarantees to any person under indictment that that matter shall be tried solely in the forum where the indictment lies.

Senator Ervin. Your theory is a very intriguing one, and that is that if a man is under indictment for any offense, he can't be asked any questions about anything else. That is what it amounts to, even though these other things are wholly disassociated.

But I am interested in the question of the scope of the 14th amendment on this basis because the committee wants to know exactly what the man is refusing to answer concerning wholly disassociated things.

That is all.

Before I pass over, I respect the duty of counsel. I have been a lawyer many times for many, many clients, and I regretted many times when I practiced law that I could not find a basis for getting quite as complete an exemption from testifying.

Mr. Travis. I think, Senator, you have found, too, since you started practicing law, that today the Constitution

might have a little different meaning over the intervening years in some respects.

[fol. 133] Senator Ervin. I will make the confession that what I was taught about Constitution in law school and what I used to read in lawbooks about it is somewhat outmoded and that some of the principles that have come about are as variable and changing as a shifting in the temporary occupants of the seats on the bench of the Supreme Court of the United States.

The Chairman. I think the record is clear from the witness' testimony and from the record made that the witness has not and does not invoke the fifth amendment privilege in his declining to answer the questions that have been put to him.

Are we correct then in that understanding?

Mr. Travis. Very definitely, Senator.

Mr. Kennedy. Let the witness answer.

The Chairman. I am asking the witness.

Mr. Hutcheson. Yes, sir.

The Chairman. My understanding, then, is correct.

Mr. Hutcheson. Yes, sir.

The Chairman. So there will be no misinterpretation of the record, I simply wanted to have the witness state it again.

All right, proceed.

Mr. Kennedy. Mr. Chairman, we have some material that I will just ask Mr. Hutcheson about.

One is Mr. Raddock's trip down here to Washington, D. C., when he stayed at the Hotel Washington, and his bill was paid out of union funds.

Could you tell us what he was doing down here for the union?

Mr. Hutcheson. I would have to know the date, Mr. Kennedy.

Mr. Kennedy. I will give it to you.

He was here on September 3, of 1957, September 3d through the 5th, 1957, and he stayed at the Hotel Washington.

(The witness conferred with his counsel.)

Mr. Hutcheson. I couldn't answer that offhand, Mr. Kennedy, without checking up.

The Chairman. The question primarily would be: Was he here on union business, if he was paid by union funds?

Mr. Hutcheson. If the bill was O.K.'d and paid by the [fol. 134] organization; yes, sir, Senator, he was.

Mr. Kennedy. What was he doing here in Washington on that day?

Mr. Hutcheson. I couldn't answer it without doing some checking up on it.

Mr. Kennedy. You were down here with him, were you not, at that time?

Mr. Hutcheson. I don't recall.

Mr. Kennedy. You were also here on the third and fourth, the record shows, and both of your bills were paid by the Carpenters.

Then there was the transportation down here to Washington. Could you tell us what it was that you were doing down here?

Mr. Hutcheson. I couldn't remember, Mr. Kennedy. I am in and out of Washington so often that I can't remember just what each trip is.

Mr. Kennedy. Then on September 10, Mr. Raddock flew out to Chicago, Ill. What was he doing out there, on September 10, 1957?

(The witness conferred with his counsel.)

Mr. Hutcheson. Upon advice of counsel, I refuse to answer on the same ground as previously related.

Mr. Kennedy. I am sorry.

But he was also out there on August 11, in Chicago, would you tell us what he was doing out there?

The Chairman. Was that paid for by the union?

Mr. Kennedy. The union paid charges of \$94.27 for that trip of Mr. Raddock to Chicago.

Mr. Hutcheson. On the advice of counsel I refuse to answer the question on the same grounds as previously related.

The Chairman. All right. The question is: Was he there on union business for which the union had the responsibility for payment?"

Mr. Hitz: Count 6, Your Honor.

The Witness: (Reading)

Mr. Hutcheson. On the advice of counsel I refuse to answer, sir.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

[fol. 135] (The witness conferred with his counsel.)

Mr. Hutcheson. I still refuse on the same grounds.

The Chairman. I asked you a moment ago if he was here in Washington on union business, the trip counsel interrogated you about, and you said if the union paid for it, yes, he was on union business.

Now we are asking you about the trip to Chicago, on the 11th of August, 1957. It appears from the records that the union paid his expense on that trip. Was he on union business at that time?

Mr. Hutcheson. On the advice of counsel I refuse to answer on the same ground.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

The Chairman. Do we have the records of payments by the union?

Mr. Kennedy. Yes, we do.

The Chairman. Who can testify to this on the staff?

Mr. Kennedy. Mr. Tierney.

"TESTIMONY OF PAUL J. TIERNEY—Resumed."

Mr. Tuttle: This is not testimony by Mr. Hutcheson now. This is testimony by Mr. Tierney.

I assume that it is being offered merely for the purpose of showing the information that the committee had about that alleged trip to Chicago on the 11th of August, 1957.

Is that correct, Mr. Hitz?

Mr. Hitz: Well, I think it is being offered for all purposes that it may be relevant to in the case. I don't think it is restricted to any particular phase of the case.

Mr. Tuttle: Well, I will ask the Court to observe, as this very short extract is read, that it relates solely to a trip

to Chicago August 11, 1957, which is in the middle of the period when the grand jury in Lake County was considering the subject matter of a land transaction.

The Court: Well, it does relate to that time, apparently, but as to whether that is the only thing it relates to, I can't tell any more than you can.

[fol. 136] Mr. Tuttle: I understand, Your Honor. All I am—because it is a mere interjection in the middle of the testimony of Mr. Hutcheson on the subject of August 11, 1957, and the subject matter of what Mr. Tierney mentions has to do with that trip in view of his examination of the account at the hotel.

I don't think it's at all relevant or material in any way. I understand what we are interrogating here, or what we are trying here, is Mr. Hutcheson's testimony—not testimony given by Mr. Tierney. But I don't like to break the continuity if there is this understanding, that that is the continuity. If it isn't, I am going to object to it.

Mr. Hitz: Your Honor, it bears upon most facets of this case. For example, Count No. 6, reading from the

"Was he there in Chicago on union business for which the union had the responsibility for payment?"

Now, the time is August 11, as the context indicates, and as Mr. Tuttle so helpfully pointed out.

That is again as Mr. Tuttle pointed out, in the very middle of the period in which the prosecutor out there and his grand jury were considering the possibilities of an indictment for the substantive offense of bribing the Indiana officials.

And there is a refusal to answer, based in part upon lack of jurisdiction and lack of pertinency.

When that is made, as it was here, and Mr. Tierney is asked to identify documents with respect to that stay in that hotel in Chicago in that period—

The Court: He testified that the union paid for it, didn't he?

Mr. Hitz: That's right, and it is the most elaborate possible way to give to the witness one of the very things that he is seeking, namely, an explanation of pertinency so that he will have awareness of pertinency which is one of the

requirements of the Watkins case. It comes into every part of this case, including legislative purpose.

The Court: Well, I have got to recess now, I have got three Judges coming in my chambers right now, and I must recess until 1:45.

[fol. 137] (Thereupon, at 12:25 o'clock p.m., the Court recessed until 1:45 o'clock p.m.)

AFTER RECESS

(The Court reconvened at 1:45 o'clock p.m., pursuant to luncheon recess.)

Thereupon PAUL J. TIERNEY the witness at adjournment, resumed the stand, and was further examined and testified as follows:

Direct examination (resumed).

Mr. Hitz: Mr. Tierney, will you resume reading without omission, please?

The Witness: (Reading)

"The Chairman. Mr. Tierney, you have been previously sworn?

Mr. Tierney. Yes, sir.

The Chairman. Mr. Tierney, you may identify the document which the Chair hands you.

Mr. Tierney. This is a document furnished us by the United Brotherhood of Carpenters, Indianapolis, Ind.

The Chairman. Is that a document from their records?

Mr. Tierney. This is a document prepared by the general counsel of Carpenters, upon our request, and it shows Maxwell Raddock was issued an air travel card by the United Brotherhood of Carpenters, and this is a list of all the charges made against that air travel card for travel by Raddock from April 1956 through November 1957.

The Chairman. That document may be made exhibit No. 58.

(The document referred to was marked 'Exhibit No. 58' for reference and may be found in the files of the select committee.)

The Chairman. Does that document, furnished you by the general counsel from the Brotherhood of Carpenters, show that Mr. Maxwell C. Raddock submitted or received payment from the Brotherhood of Carpenters for the trip to Chicago on the date of August 11, 1957?

Mr. Tierney. It does. It shows that he was paid for a [fol. 138] round-trip passage between New York and Chicago on August 11, 1957.

The Chairman. May I inquire, now: Have you examined the hotel records there to ascertain who paid the hotel bill of Mr. Raddock on that trip?

Mr. Tierney. I have, Mr. Chairman.

The Chairman. Has the hotel record previously been made an exhibit?

Mr. Tierney. Yes, it has.

The Chairman. Exhibit No. 45, A & B.

I hand you this exhibit and ask you to examine it and state who paid the hotel bill for Mr. Raddock on that trip, and how much.

Mr. Tierney. The exhibit shows that the United Brotherhood of Carpenters and Joiners of America paid for Maxwell Raddock's stay at the Drake Hotel from August 11 through August 17, a total of \$147.10.

The Chairman. \$147 plus \$97 is what the records of the brotherhood and the hotel reflect was paid by the union for that trip?

That much at least?

Mr. Tierney. That's correct, sir.

TESTIMONY OF MAURICE HUTCHESON, ACCCOMPANIED BY
HOWARD TRAVIS AND F. JOSEPH DONOHUE, COUNSEL—
Resumed.

The Chairman. The question is, Mr. Hutcheson: Were Mr. Raddock's expenses paid on that trip by union funds while he was on union business?

Mr. Hutcheson. On the advice of counsel I refuse to answer the question on the same grounds as previously related, sir.³

Mr. Hitz: Would you hold on for a moment?

That is Count 7, Your Honor.

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The Court: What is that?

Mr. Tuttle: I say, the question as put down in the indictment as the content of Count 7 is a different question than the one which is now announced to be the question on which Count 7 is based. In the text of the printed proceedings [fol. 139] of the committee the question is:

"Were Mr. Raddock's expenses paid on that trip by union funds while he was on union business?"

And that is a different wording than the wording of the question set forth in Count 7.

I think it is my duty to call attention to that. I intended at the proper time to make a motion about it.

Mr. Hitz: What is the motion?

Mr. Tuttle: To dismiss the count.

The Court: Well, you said somewhat in the nature of an objection before we recessed for lunch, when the witness was asked for a statement as to the documents that had been submitted, that it was interjecting his testimony with that of Mr. Hutcheson, and was not Mr. Hutcheson.

As I recall the testimony of Mr. Hutcheson, he said he couldn't answer the question without checking as to whether the expenses of that trip had been paid by the union, or not.

And then Mr. Tierney was asked whether the documents on exhibit showed whether it had been paid by the union or not, and his answer was that it had been, the hotel bill and the railroad fare.

So I thought that that answer complemented the question that had been put to Mr. Hutcheson.

Mr. Tuttle: If your Honor please, it's my recollection, subject to check in the record, that the question which Mr. Hutcheson answered related to a different trip altogether at a different date, and the trip was one of September 3rd of 1957 through the 5th, at a stay at the Hotel Washington, and that would be in Washington.

The Court: Well, if there is some confusion about the time, Mr. Hitz, he is right. I don't know about that.

Mr. Tuttle: I was reading, Your Honor, from page 12122.

And Mr. Hutcheson said, as Your Honor correctly stated, that he could not tell of his own knowledge and would have to check.

But that was the trip to Washington in September, wasn't it?

Mr. Hitz: I think so.

[fol. 140] Mr. Tuttle: Which is a different thing from a trip to Chicago on August 11th, which was the subject of Mr. Tierney's testimony before the committee which has just been read.

Mr. Hitz: But this testimony of Mr. Tierney's before the committee is not being offered here in explanation of that earlier—of that trip in September which Mr. Tuttle has mentioned.

The testimony of Mr. Tierney is offered—

The Court: Well, Mr. Tierney came in to talk about the Chicago trip.

There is a confusion. Mr. Brantley has just pointed it out to me.

The witness Hutcheson refused to answer the question that had been asked to him about the trip to Chicago.

Mr. Tuttle: Yes, Your Honor, and—

The Court: And that is the one Mr. Tierney was telling us about.

Mr. Tuttle: Thereupon Mr. Tierney was put on the stand—

The Court: To tell us about the trip to Chicago expense.

Mr. Tuttle: What he ascertained on looking at the hotel records of that trip.

The Court: Yes, but Mr. Hutcheson refused to answer that question.

Mr. Hitz: That's right.

The Court: And then he got on with the trip to Washington.

Mr. Tuttle: I think the trip to Washington was referred to first.

Your Honor, further up on page 12,122.

The Court: Yes.

Mr. Tuttle: And so that trip, of course, was not in the circumference of the Lake County matter.

The Court: Well, how do you tell that Count 7 has to do with one of those, Mr. Hitz? It doesn't certainly say in 7 what it is talking about:

'Was Mr. Raddock paid on that trip the expenses paid by union funds while he was on union business?'

[fol. 141] Doesn't that refer to the Chicago trip?

Mr. Hitz: Yes, it does, and it refers to Count 6 at the bottom of page 12122.

The Court: Well, the Count 7—then the indictment question of 7 refers to the failure of Mr. Hutcheson to answer that question. Is that the point?

Mr. Hitz: Well, I think Mr. Tuttle's point is that there is a difference in the wording of Count 7 as contained in the indictment, and the text of the document we are reading.

I think that is the immediate point that he is raising.

The Court: Well, it is the immediate point, but I am trying to find out what trip he is talking about.

Are you both talking about Chicago?

Mr. Hitz: Yes, the Chicago, August 11th, trip.

The Court: There is a slight difference, it is not very much, between the statement in the question and answer business and the count.

Mr. Hitz: I think I can throw some light on that, Your Honor. If we turn to Government's Exhibit that bears the blue ribbon, which is Government No. 4, part of which is the committee report of citation to the full body of the Senate, and on page 25 thereof there appears the question, which is the Count 7 question, and the Count 7 question in the indictment is copied verbatim from the way it appears in the report of citation.

Now, there is a difference between the wording in no material way at all, in the way it is produced in the reported citation, although it purports to be testimony, and the way it appears in Document No. 31 from which we were reading.

In other words, the indictment as drawn conforms to the report of citation, and there is a slight difference between it and what we have just read from the document. But it is of no consequence.

Mr. Tuttle: Well, I disagree on whether it is of consequence or not.

Where there is an indictment and the indictment charges that there was a refusal to answer a question in a given [fol. 142] form and a given wording, the question before us is whether or not the printed book, which you marked in

evidence for identification as a correct reproduction of the proceedings before the committee, supports the quotation that you make in the indictment here, and not whether somewhere else outside of the indictment and outside of this printed book there is a piece of paper which reproduces what you have in the indictment.

The Court: Well, certainly the variance is hardly anything to talk about. It reads, one of them:

"Were Mr. Raddock's expenses paid on that trip by union funds while he was on union business?"

Mr. Tuttle: Yes.

The Court: And the indictment question is:

"Was Mr. Raddock paid on that trip, the expenses of his, paid by union funds while he was on union business?"

Now, if anybody can see any substantial difference there, anything that matters, I am curious to know what it is.

Mr. Tuttle: Well, Your Honor, all I can say is that this question as it is framed in the indictment is that,

"Was Mr. Raddock paid on that trip the expenses of his paid by union funds while he was on union business?"

The Court: Yes, that is the way it reads.

Mr. Tuttle: And that could imply that—it seemed to me, respectfully—that he could be deemed by this question in the indictment to have been paid while on the trip while on union business. In other words, whether or not there was some compensation paid to him in addition to his expenses.

And so I felt that it was my duty to call attention to a variance and to the fact that I think there is considerable significance in the variance.

The Court: And now the other one reads—I think you will concede this if you will look at it—

"Were Mr. Raddock's expenses paid on that trip by union funds while he was on union business?"

Mr. Tuttle: Oh, I concede that, Your Honor. That is [fol. 143] the way it is in the printed book which Mr. Tierney was just reading from. He just read that answer from the printed book.

The Court: Now, what is the difference that makes any difference there between that and the indictment question?

Mr. Tuttle: Well, only, I have to submit, that it seemed to me that it would be—it will be for Your Honor to consider, but it seemed to me that the language in the indictment itself has a double meaning;

"Was Mr. Raddock paid on that trip, comma, the expenses of his paid by union funds while he was on union business?"

And that implied to me that he was being asked there, according to the question in the indictment, whether on union business Raddock received payment for making the trip, it being claimed that he was in some way serving for which he would be entitled to payment, and his expenses were paid. In other words, that it involved two subject matters instead of one.

The Court: I don't see it. I don't see it.

I think it is a little on the absurd side.

Mr. Tuttle: I feel it my duty, Your Honor, as counsel in this case, to call it to Your Honor's attention.

The Court: All right, you have done it.

By Mr. Hitz:

Q. Now, Mr. Tierney, you finished reading the Count 7 question and stopped there at my interruption; is that right?

A. Yes, sir.

Q. Will you continue to read without omission:

A. (Reading):

"Mr. Hutcheson. On the advice of counsel I refuse to answer the question on the same grounds as previously related, sir.

The Chairman. The Chair orders and directs the witness to answer the question, with the approval of the committee.

Mr. Hutcheson. I still refuse, sir.

The Chairman. All right; proceed, Mr. Kennedy.

Mr. Kennedy. You were out in Chicago at the same time, were you not, with Mr. Raddock?

Mr. Hutcheson. On advice of counsel I refuse to answer."

Mr. Hitz: Count 8, Your Honor.

[fol. 144] "Mr. Kennedy. You were out in Chicago at the same time?"

Mr. Hutcheson. On the advice of counsel, I refuse to answer on the same grounds.

The Chairman. The Chair orders and directs the witness to answer the question, with the approval of the committee.

Mr. Hutcheson. I still refuse, sir.

Mr. Kennedy. The records, Mr. Chairman, indicate that Mr. Hutcheson was present at the same time.

The Chairman. Were your expenses on that Chicago trip paid by the union?"

Mr. Hitz: Count 9, Your Honor.

"(The witness conferred with his counsel.)

Mr. Hutcheson. On the advice of counsel I refuse to answer on the same ground as previously related.

The Chairman. You are ordered and directed to answer the question, with the approval of the committee.

Mr. Hutcheson. I still refuse, sir.

The Chairman. Again with respect to these questions that have been put to you, we are to understand you are not invoking the fifth amendment privilege?

(The witness conferred with his counsel.)

Mr. Hutcheson. Yes, sir; I am declining on the grounds previously stated.

The Chairman. And not invoking the fifth amendment privilege?

Mr. Hutcheson. Yes, sir.

The Chairman. Yes or no? Are you or not? Yes or not?

Mr. Hutcheson. No, I am not.

The Chairman. Thank you.

Senator Ervin. Mr. Chairman, may I ask one or two questions along that line and then I will subside?

Mr. Hutcheson, you are familiar with the provisions of

the AFL-CIO ethical code concerning officers of affiliated unions who invoke the fifth amendment; aren't you?
[fol. 145] Mr. Hutcheson. Yes, sir.

Senator Ervin. In that connection, I would like to state that this is my opinion of the law, though it may not be your counsel's. The only reason for recognizing the right that a man may not testify concerning matters involved in an indictment against him arises out of the fact that the indictment is probably the strongest kind of evidence that anything he may say in reference to it may be construed to incriminate him, and that the only reason that a man has a right to refrain from answering matters about an indictment is the fact that what he may say about those matters may tend to incriminate him.

Therefore, Mr. Hutcheson, don't you realize that what you are doing is that you are seeking to avoid an expressed violation? In other words, you are seeking to get the benefit of the fifth amendment without invoking it so that you will not run the risk of committing an offense against the ethical code of the A. F. L. - CIO?

— (The witness conferred with his counsel.)

Mr. Hutcheson. Sir, I have been following the advice of counsel on the grounds outlined by me.

Senator Ervin. Well, you are concerned that there shall be no actual or apparent violation on your part of the provisions of the A. F. L. - CIO code of ethics concerning union officers who invoke the fifth amendment when asked about their official conduct, aren't you?

Mr. Hutcheson. Yes, sir.

Senator Ervin. That is all.

The Chairman. One other question on the Chicago matter.

Were you out in Chicago at that time on union business?"

Mr. Hitz: Count 10.

The Court: Yes.

— (The witness conferred with his counsel.)

Mr. Hutcheson. On the advice of counsel, I refuse to answer on the same grounds as previously related.

The Chairman. The Chair, with the approval of the com-

mittee, orders and directs the witness to answer the question.

[fol. 146] Mr. Hutcheson. I still refuse, sir.

The Chairman. Proceed.

Mr. Kennedy. Do you know Mr. James Hoffa?"

Mr. Hits: Count 11.

"Mr. Hutcheson. On the advice of counsel, I refuse to answer on the same ground as previously related.

The Chairman. The Chair orders and directs the witness to answer the question, with the approval of the committee.

Mr. Hutcheson. I still refuse, sir.

The Chairman. Proceed.

Mr. Kennedy. That is, you refuse to tell the committee as to whether you know Mr. James Hoffa?

(The witness conferred with his counsel.)

Mr. Hutcheson. Yes, sir.

Mr. Kennedy. Did you make an arrangement with Mr. Hoffa that he was to perform tasks for you in return for your support on the question of his being ousted from the A. F. L. - CIO?"

Mr. Hits: Count 12.

"Mr. Hutcheson. On the advice of counsel I refuse to answer on the same grounds as previously related.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

The Chairman. Proceed.

Mr. Kennedy. Isn't it a fact that you telephoned Mr. Hoffa from your hotel in Chicago on August 12, 1967?"

Mr. Hits: Count 13.

The Court: Yea.

"Mr. Hutcheson. On the advice of counsel, I refuse to answer, sir, on the same grounds.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse.

[fol. 147] The Chairman. Again the record should clearly show we are interrogating the witness about union affairs.

Mr. Kennedy. And wasn't that telephone call in fact paid out of union funds, the telephone call that you made to him on August 12?"

Mr. Hitz: Count 14.

The Court: Yes.

"Mr. Hutcheson. On the advice of counsel I refuse to answer on the same grounds as previously related.

The Chairman. The Chair with the approval of the committee orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

Mr. Kennedy. Do you also know Mr. Sawochka, of the Brotherhood of Teamsters?"

Mr. Hitz: Count 15.

The Court: Yes.

"(The witness conferred with his counsel.)

Mr. Hutcheson. On the advice of counsel, I refuse to answer on the same grounds as previously related.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

Mr. Kennedy. Isn't it a fact that you had Mr. Plymate, who is a representative of the Brotherhood, telephone, and your secretary telephone, Mr. Sawochka from your room on August 13, 1957?"

Mr. Hitz: Count 16.

The Court: Yes.

"Mr. Hutcheson. On the advise of counsel I refuse to answer on the same grounds previously related.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

Mr. Kennedy. And isn't it a fact that that telephone bill and that telephone call was paid out of union funds?"

[fol. 148] Mr. Hitz: Count 19, Your Honor.

The Court: Yea.

"Mr. Hutcheson. On the advice of counsel I refuse to answer on the same grounds.

The Chairman. The Chair with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

Mr. Kennedy. Were you here at the Hotel Washington in September of 1957?

Did you stay at the Hotel Washington?

Mr. Hutcheson. Well, I don't recall the trip. I probably was, if the hotel bill shows it.

Mr. Kennedy. Going on to October 13 and 14 of 1957, were you here at the Hotel Washington at that time?

Mr. Hutcheson. Well, I don't recall right now.

The Chairman. I hand you here a hotel bill made out to M. A. Hutcheson, running from October 13 to October 15, 1957. I present it to you for your inspection and identification.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. Kennedy. What is the answer?

Mr. Hutcheson. It is registered to me, Mr. Kennedy.

Mr. Kennedy. What were you doing down here at that time?

Mr. Hutcheson. I couldn't answer that.

Mr. Kennedy. I see.

The Chairman. That may be made exhibit No. 59.

(The document referred to was marked 'Exhibit No. 59' for reference and may be found in the files of the select committee.)

Mr. Kennedy. On October 14, Mr. Raddock joined you at the Hotel Washington. Why did he come down to Washington?

Mr. Hutcheson. I don't recall.

Mr. Kennedy. That wasn't very terribly long ago. What were you doing down here at that time?

[fol. 149] **Mr. Hutcheson.** Well, Mr. Kennedy, I must have been attending some meetings of some kind, but I do not recollect just offhand what they were.

Mr. Kennedy. You and he were occupying the same room. You don't remember what you were doing here?

Mr. Hutcheson. No, sir, I do not.

Mr. Kennedy. He made a number of telephone calls. His bill was paid out of union funds. The first telephone call he made on October 14, 1957, was to Gary, Ind.

(The witness conferred with his counsel.)

Mr. Kennedy. Would you tell us what he was doing at union expense calling Gary, Ind.?

Mr. Hutcheson. I know nothing about the telephone call, sir.

Mr. Kennedy. It was to Local 142 in Gary, Ind. What was that for?

Mr. Hutcheson. I wouldn't know.

Mr. Kennedy. You have no idea?

Mr. Hutcheson. No, sir.

Mr. Kennedy. You have no idea why he should be calling local 142 of the Teamsters in Gary, Ind.?

Mr. Hutcheson. No, sir.

Mr. Kennedy. Did you have any business with local 142 of the Teamsters in Gary, Ind.?"

Mr. Hitz: Count 18.

The Court: Yes.

Mr. Hutcheson. On the advice of counsel I refuse to answer on the same grounds as previously stated.

The Chairman. The Chair, with the approval of the committee, orders and directs the witness to answer the question.

Mr. Hutcheson. I still refuse, sir.

* * * * *

Mr. Hitz: * * * There then appears on page 12131 the testimony of Harold Ranstad—R-a-n-s-t-a-d (spelling.) We [fol. 150] are not interested in his testimony, but we think that there should be included in this record the statement

of the Chairman beginning some seven lines down on page 12132 and going from there to the end of 12133, which concludes the testimony contained in this volume.

The Court: Mr. Tuttle, have you any serious objection to those parts?

Mr. Tuttle: I concur in the omission of everything, including the top eight lines on page 12132.

Now, Mr. Hitz refers to a closing statement which he would like to read.

The Court: Yes.

Mr. Tuttle: Just one second, Your Honor, while I confer.

The Court: All right.

Mr. Tuttle: The opening words are:

"The Chairman. The chairman will issue the following statement."

I assume it is a statement that was issued publicly; in fact, I know it is because I read it at the time in the newspapers.

Do you agree to that?

Mr. Hitz: I don't know.

Mr. Tuttle: Well, I will make that statement and ask Mr. Tierney if it is not right.

The Witness: It's a statement that was made at the hearing which was a public statement and the press was present at the hearing, so it would be a public statement as are all proceedings.

Mr. Tuttle: That's all I wanted.

Thank you.

By Mr. Hitz:

Q. Will you now read on page 12132, beginning, "The Chairman," seven lines, about, down from the top:

A. (Reading):

"The Chairman. The chairman will issue the following statement:

It appears that at the very least, Mr. Hutcheson, as president of the United Brotherhood of Carpenters and Joiners was grossly careless with the use of union funds and com-

pletely failed to meet the responsibility of his trust. That [fol. 151] such an excessive amount of money should have been paid for the printing and writing of the book on his father is almost inconceivable.

O. William Blaier and Frank Chapman, as well as other top officers of the Carpenters Union, bear responsibility with Hutcheson in the handling of this matter, which obviously cost the Carpenters some \$185,000 in excess of value received.

Mr. Raddock perpetrated a fraud against this union. From the facts developed, it is apparent that only a small number of the books on William Hutcheson would likely have ever been printed if it had not been for the investigation this committee has conducted.

The facts that lead to this conclusion are:

1. That Mr. Raddock had already spent almost all of the money that the Carpenters had paid him in financing his other business and projects and paying off his debts.

2. That he had to borrow money in order to pay for the books that were finally published in January and February 1958.

3. He predicated certain letters in order to make it appear that he was, in fact, intending to publish the book prior to the start of this investigation.

Mr. Raddock was involved in other frauds; in the operation of his newspaper; in claims by his solicitors; in the sale and purchase of World Wide Press bonds. That so much of this should have been financed by union funds is extremely unfortunate.

The testimony further indicates that certain high officials of both the Teamsters and the Carpenters Unions, two of the largest unions in the country, with the help and assistance of Mr. Raddock were involved in a conspiracy to subvert justice in the State of Indiana.

All the facts regarding this conspiracy undoubtedly have not been developed by the committee.

Further exposure we believe can and should be made. We will be glad to assist and help law enforcement officials

in the State of Indiana if they determine that they would interest themselves in the matter.

[fol. 152] It is also my hope that the Carpenters Union itself will take whatever action it is possible for it to take to recover the moneys now in the possession of the heirs of Mr. Hutcheson which would appear to rightfully belong to the international brotherhood.

The Chair would also like to express the appreciation of the committee for the fine work done by the staff of the committee, under the competent direction of our chief counsel, Mr. Robert Kennedy."

Mr. Hitz: Now you may stop there a minute.

Will you continue on, without omission, please?

The Witness: (Reading):

"These members of the staff include: Karl Deibel, Charles Mattox, Charles Wolfe, John Prinos, Frank Ward, Maurize Frame, Andrew Masyko, Richard Sinclair, Harold Ranstad, Robert Dunne, and Paul Tierney.

The committee thanks each of them for the fine work they have done.

Mr. Travis. Do I understand Mr. Hutcheson to be released from his subpoena?

Mr. Kennedy. Yes. Does he want to make any statement?

Mr. Travis. I believe not.

Mr. Kennedy. Mr. Chairman, that is all.

Mr. Hitz: That will be all.

Was Mr. Hutcheson present at the conclusion of this hearing as you have just read it?

The Witness: It is my recollection that he was.

Mr. Hitz: Your Honor, that is the end of this hearing, the end of the testimony in the volume, and it is the end of the reading on this subject.

* * * * *

Thursday, April 7, 1960

OFFERS IN EVIDENCE AND COLLOQUY IN
CONNECTION THEREWITH

Mr. Hitz: There are two items of evidence and they consist of Mr. Katz' testimony that was undertaken by the [fol. 153] committee immediately after Mr. Travis for Mr. Hutcheson had become ill, and Mr. Kennedy said, "Well, I can call Mr. Katz to fill in the time gap, so to speak."

And Mr. Katz testified on some things that are quite important in the Holovachka matter. He admits he is the go-between who actually took the money to Holovachka which, in the framework of the sparse evidence that the committee had, made it appear that Holovachka was the recipient of funds having to do with the non-indictment of Mr. Hutcheson.

I say that's a framework from which inferences were drawn, they were drawn by the committee, and the committee sought to fill in those gaps, and we have a complete refusal to answer those questions on behalf of all of the participants, including Mr. Hutcheson.

In any event that was Mr. Katz' testimony.

That is as important as any item of evidence showing the matter into which the committee was investigating.

In addition, Mr. Sinclair, whose testimony likewise is interspersed into the testimony of Mr. Hutcheson as a physical matter in this transcript, gave testimony likewise bearing on the precise question under investigation at the time.

So I informed Mr. Tuttle that I would forego the other types of offers that I have just mentioned to him and to you yesterday, and I mentioned this morning, but that I would like to pursue the offer of Katz' and Sinclair's testimony.

Mr. Tuttle said he would consider overnight what his position would be.

I do offer the testimony of those two individuals. I think in view of the fact that the case has taken so long and that we feel that there is such a strong case presented here, that we could forego the reading of the testimony of those two

witnesses, but we do want it to be in the record, and I make the offer.

Mr. Tuttle: Your Honor, of course, that adjective "strong" is something that presents a point at which I cannot agree with Mr. Hitz, but otherwise I am going to agree with his suggestion of yesterday that, as I understood it—and if I don't state it rightly he will correct me—I under-[fol. 154] stood him to say that it would be unnecessary to read now the testimony of Mr. Katz and Mr. Sinclair but that he would like to have it in as part of the record so that if ever there came occasion to refer to it, he could.

I, too, share the desire to shorten matters. I regard that testimony as immaterial and irrelevant but that is something I needn't press until and unless he refers to it.

The Court: Yes.

Mr. Tuttle: So if I could reserve the right to put in objection, other than, of course, to what he has is a correct reproduction of what is in the record, I am going to concede that—why, otherwise, to preserve legal—the legal objections that could be made—I will concur in what Mr. Hitz has stated.

The Court: Well, that seems to deal with the situation then.

As I understand it, it is agreed that subject to your objection, if the matter is dealt with by referring to it or reading it, rather, that you will then note your objection to it, so that the record will be complete on the matter.

Mr. Tuttle: Thank you, Your Honor.

The Court: But that, of course, I am not bound by the objection.

Mr. Tuttle: Oh, no.

The Court: I will have a right to rule on it.

And as I take it, that is the situation with respect to several of the objections that are made.

Mr. Tuttle: Yes, Your Honor.

Mr. Hitz: But it was my understanding, as best I can interpret Mr. Tuttle's last remarks, he had no objection to the introduction of the testimony of those two individuals but he reserved the right to make unfavorable comments about them if I should make comments about them.

Isn't that the status of your remarks?

Mr. Tuttle: I don't know about the word "unfavorable." All I meant is that if you make comment about them, I would have the same right to object to the legal force of [fol. 155] your comment on the ground that the subject matter to which you are referring is immaterial and irrelevant, that is all.

Mr. Hitz: But I thought nevertheless he doesn't object to their being admitted in evidence.

Mr. Tuttle: Oh, that is what I have already said. I said we regard it as read here and I am not undertaking to challenge the correctness of the content of the testimony as the proof appears in the book.

The Court: It is a little confusing to me as to the nature of the objection, but I think I understand it.

He is not objecting to my hearing what you have to say. He is objecting to the force of the argument that you may make, and he reserves to himself the right to make a counter argument.

Mr. Hitz: Oh, yes, of course.

Mr. Tuttle: Precisely.

The Court: That's about what you mean, isn't it?

Mr. Tuttle: That's it precisely, sir.

Mr. Hitz: But still the evidence goes in without objection as a practical proposition.

Mr. Tuttle: The evidence goes in at this point without objection except I want to have the privilege of saying at some time or other that that testimony does not contribute to anything that should be part of the decision.

The Court: Yes.

Mr. Hitz: Well, I anticipate that, all right.

The Court: Yes.

Mr. Hitz: Next, Your Honor, I believe that it has been demonstrated that the testimony that was taken by the committee, both from Mr. Hutcheson and others with respect to the payment to Mr. Raddock of the sum that has been commented on here for the writing and publication and distribution of the book about Mr. Hutcheson, Sr., is relevant to the matter here under inquiry in this case.

I am sure that Your Honor feels that way, and I would like now to suggest that the earlier part of Mr. Raddock's [fol. 156] testimony bearing on the same subject likewise be

admitted in evidence here, and I will say again I will not read it, but I think it should be in the record of the case for future use if it should be desired by either side.

Mr. Hitz: Well, I already agreed that I won't read Mr. Raddock's book testimony to the record or to you, and I am very close to agreeing that I won't argue anything to you from that, but I still would like to have it if the Court will permit it as a matter of record in the case for any possible future reference.

So I don't think I am cluttering the record with it, and that to the extent it is cumulative it certainly can't do any harm to the trial of the case since I won't read it to you and may not even refer to it.

Mr. Tuttle: Well, if Your Honor please, I don't want to prolong this, of course.

The Court: Well, don't do it, then, please.

Mr. Tuttle: I won't. I will only say this, that there is a certain amount of extra burden thrown on the Court and on counsel by piling up cumulative matter that to a very large extent, and particularly, as he says, that he is inclined to believe that he will not even refer to it.

But nevertheless it is something that would have to be considered some time or other by counsel as well as by the Court, he should refer to it.

I hope, therefore, that we can be spared making this record any longer than it is.

The Court: Well, I have already begged him to do that, and apparently he has given some consideration to it, but not too much, and if we can concede a little something to him to get along with the thing, let's do it.

Mr. Tuttle: Well, if Your Honor please, what I would do in that case, if Your Honor wishes to concede, as you say, I would make the same reservations of my right at the time and place.

The Court: I grant you those rights.

Mr. Tuttle: As I did in the case of Katz and Sinclair.
[fol. 157] The Court: Yes. I grant you those rights. If the matter comes up, you can discuss them fully and argue against the effectiveness of it.

Mr. Tuttle: One of my associates feels that when I said "same objections" I might have been a little vague. My objections were as to relevancy and materiality, that I was reserving. I used those words in connection with the Katz testimony and I am sure they applied in what I said as to this.

The Court: All right.

• • • • • • •

By Mr. Hitz:

Q. Mr. Tierney, do you know where Mr. Raddock lived in the summer of 1958?

A. Yes, sir.

Q. Where?

A. In Mamaroneck, New York.

Q. And in 1957?

A. I believe he lived in Mamaroneck, New York, then. He did.

• • • • • • •

By Mr. Hitz:

Q. The name of Mr. Raddock's business?

A. There were two principal ones, as a matter of fact, three:

World-Wide Press Syndicate, Inc.;

Trade Union Courier; and

The American Institute of Social Science.

Q. Where were those businesses located?

A. World-Wide Press was located in Yonkers, New York, and the American Institute of Social Science, and the Trade Union Courier had offices in New York City.

Mr. Hitz: Your Honor, I now would like to offer in evidence as Government's 6, a Government publication entitled, "The Second Interim Report, Part 2," of this select Senate committee.

The Court: Would that be Government's Exhibit No. 6?

The Clerk: Yes.

Mr. Hitz: The Clerk has marked it "6" for identification.

(Thereupon, Second Interim Report, Part 2, of Select Senate Committee was marked Government Exhibit No. 6 for identification.)

[fol. 158] Mr. Hitz: This is a report which is in the nature of a final report from this committee. It is part of the several reports that comprise the final report of the committee, and in it there are two passages which make important references to the particular investigation that we are concerned with here.

It is, of course, a report from the committee to the legislative body.

For that reason, it bespeaks strongly the continuing and final legislative purpose had by this committee in this investigation, and it documents that.

I offer No. 6 in evidence.

Do you have a copy, Mr. Tuttle?

Mr. Tuttle: Do you mean you offer the whole of this in evidence?

Mr. Hitz: I offer the entire document in evidence, with particular reference to certain parts of it.

Mr. Tuttle: * * * It seems to me that if Mr. Hitz is going to claim that any portion of this, which was made on October 25, 1959, a year after the events of June 26 and June 27, has any relevancy, he should point out what he is referring to, because otherwise I will never be able to know what is really going to be referred to some time later by him.

Mr. Hitz: Those two portions are entitled, "Maxwell C. Raddock and the United Brotherhood of Carpenters and Joiners of America," page 517.

The second item in the book, "Findings, Maxwell C. Raddock and the United Brotherhood of Carpenters and Joiners of America," page 590.

Those are the parts that apply to this case that we have in the investigation and led to it.

The other parts I quite agree with Mr. Tuttle do not bear upon this matter, but I think that the fact that what I have contended bear upon this case, the fact that they are

contained in this report to the body, I think makes the whole volume admissible.

[fol. 159] The Court: That is what I have a little difficulty in following, Mr. Hitz.

Mr. Hitz: In that case I will offer the two items.

The Court: Well, I think the two items, from what you say, are relevant and should be admitted, and you have identified them.

Mr. Hitz: But may the whole volume go in so I don't have to tear the thing apart?

The Court: I don't think you have to tear it apart but I think you have to identify that which you have offered.

Mr. Hitz: Thank you. Your ruling has covered my offer.

The Court: I think so.

Mr. Tuttle: Your Honor, might I just have a moment?

The Court: You can have more than a moment. I will take that recess we were talking about.

(Short recess had:)

Mr. Hitz: Your Honor, during the recess—

Mr. Tuttle: Excuse me for interrupting.

Mr. Hitz: Yes, sir.

Mr. Tuttle: I understood Your Honor to decide to take in from that book that has just been marked Government's Exhibit No. 6, the portions referred to in the index.

I would just want to enter my objection that it is immaterial and irrelevant and contains nothing that could appropriately contribute to the decision in this case.

The Court: Well, I thought certain elements that he read from the index were apparently appropriate.

Mr. Tuttle: Well, I understood, Your Honor, and I am referring to those portions.

The Court: Yes.

Mr. Tuttle: I am just saying that from my point of view—

The Court: You object to them?

Mr. Tuttle: Yes, sir, on the grounds stated.

The Court: I will note that.

[fol. 160] (Thereupon portions of Second Interim Report Part 2, of Select Senate Committee, entitled "Maxwell C.

Raddock and the United Brotherhood of Carpenters and Joiners of America," beginning at page 517, and

Second item, "Findings, Maxwell C. Raddock and the United Brotherhood of Carpenters and Joiners of America, beginning at page 590; were received in evidence.)

• • • • • • • • • • • •
Mr. Tuttle: We are back where five minutes ago I offered to concede.

I understand Mr. Hitz wants to prove on the hearsay basis that the witness is told that the official transcript, the stenographic transcript as officially taken, contains the question in the wording that appears in Count 7 and that the inaccuracy, consequently, is in the reproduction in the printed book.

The Court: That's what I understand now.

Mr. Tuttle: Yes.

Mr. Hitz: Being part 31.

Mr. Tuttle: Yes.

Mr. Hitz: That's exactly what we want to show.

Mr. Tuttle: All right, I'm not going to dispute it.

The Court: All right, fine.

Now, does that mean that the transcript, as corrected, or as it was submitted and should be corrected, accords with the wording of the indictment in Count 7?

Mr. Hitz: It does.

The Court: Is that what it means?

Mr. Hitz: Yes, that's what it means.

The Court: Do you understand that now?

Mr. Tuttle: Yes, I understand that the official transcript accords with the wording in Count 7, and that the mistake is due to the error in the green book.

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[fol. 161]

April 11, 1960

Thereupon, HON. JOHN L. McCLELLAN called as a witness and, having been first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Hitz:

Q. Give your full name, please, sir.

A. John L. McClellan.

Q. You are one of the United States Senators, from the State of Arkansas, is that correct, sir?

A. Yes, sir.

Q. And you were in 1958?

A. Yes, sir.

Q. Senator McClellan, you now are the Chairman of the Select Committee on Improper Activities in the Labor or Management Field, isn't that right?

A. I was Chairman of it during the lifetime of the Committee.

Q. Just a few days ago, did it cease its existence?

A. The life of the Committee expired on the 31st of March of this year.

Q. You were its Chairman in June of 1958, were you not, sir?

A. I was.

Q. Do you recall the time in June 1958, when Mr. Maurice A. Hutcheson, the defendant here and who is seated in the middle on the other side of counsel table, appeared before your Committee?

A. Yes, I was Chairman at that time and I recall having Mr. Hutcheson before the Committee.

By Mr. Hitz:

Q. Senator McClellan, when you made the statement which I have last referred to, "Further exposure we believe can and should be made" and then the next sentence to

the effect that you would cooperate with the Indiana authorities, did you, as Chairman of this Committee, have an intent to encourage or assist the State of Indiana to investigate and uncover a conspiracy to bribe in the matter of Mr. Hutcheson's indictment and the circumstances sur-[fol. 162] rounding its no-bill in the County of Lake County?

Mr. Tuttle: Your Honor, my objection is renewed. This is simply an indirect way of asking the witness to state what his personal or official intent was at that time, an intent which must be judged by the language, must be judged in the same way the public or the defendant would judge it from what was issued to the public and that cannot be varied.

In addition, I am saying that the authorities all hold that legislative intent or legislative purpose must be judged not by any private mind that somebody may have but by the authority given to the Commission or Committee by the statement of background and information which the Committee itself used and by the nature of the questions which were put to the witness. Otherwise, the defendant is in a hopeless position.

The Court: I agree with you on that last statement. There is no doubt about it but I still think he can answer the question as to whether he intended to reveal a crime that was committed by this man and that was his purpose. I don't see any harm in that.

I will let him answer it anyway and you can argue in the Court of Appeals.

Mr. Tuttle: Your Honor, I hope that I will not have to argue in the Court of Appeals.

The Court: I think you will, from what you have said.

Mr. Tuttle: I have said nothing about taking an appeal. The other side has said that.

The Court: No, but from what you have said it looks like that is where you are going.

Mr. Tuttle: I feel as if I have to make, as my professional duty, objections.

The Court: Go ahead and do it.

By Mr. Hitz:

Q. Do you have my question in mind, Senator McClellan?
A. I believe you had better repeat it. I think I do have.

The Court: Yes.

[fol. 163] By Mr. Hitz:

Q. As Chairman of this Committee, did you have any intention when you said, what I have read several times and I am sure both sides know what it is and it is in the record, did you have any intention of encouraging or assisting the State of Indiana in conducting a further investigation of this matter looking towards a state prosecution?

Mr. Tuttle: The same objections, Your Honor, and also as to the form of the question. It contains, in my judgment, all kinds of conclusory language and predicates.

The Court: Yes. I understood it and ruled on it.
You may answer.

The Witness: This was the conclusion of the hearings in this particular investigation. At the conclusion, I made this brief statement that is in the record.

Our legislative function had been performed in seeking information regarding crimes and improper activities. Some evidence had been presented indicating the possibility of a further crime involving this defendant possibly and officers of another large union. It has been our practice to cooperate with state and federal officials where any evidence is developed before us with respect to a crime having been committed. Our legislative purpose is to search out and find if crime has been committed.

My statement here is to the effect that if the state officials desired to pursue any testimony that we had developed, we would cooperate with them and make the record available to them.

Mr. Hitz: Thank you.

No further questions, Your Honor.

The Court: I do not think he has clarified it a bit but go ahead.

Mr. Tuttle: I have no questions, Your Honor.

The Court: All right.

Mr. Hitz: Thank you, Senator McClellan

The Court: If there is no objection, the Senator will be excused.

Mr. Tuttle: If I may just speak to my associate. My associate is trying to say something.

The Court: Yes.

[fol. 164] Mr. Tuttle: I have no questions.

The Court: Very well.

(Witness excused.)

Mr. Hitz: The Government rests, Your Honor.

The Court: All right.

**MOTION TO STRIKE CERTAIN TESTIMONY AND
RULING THEREON**

Mr. Tuttle: If Your Honor please, at the conclusion of the Government's case, I would like to move to strike out certain portions of the record of the second interim report of October 23, 1959.

Mr. Hitz: Just a moment, if Your Honor please, until I find what he is referring to.

The Court: He wants to strike out that second volume, I think.

Mr. Tuttle: So much of the second interim report which has been received to that extent of Government's Exhibit 6 for identification as relates to all matters other than those on 554 which refers to the supposed conspiracy to forestall indictments because of the land matter.

Mr. Hitz: What page is that on?

Mr. Tuttle: It begins at page 554 and runs, I believe, to page 561 and also that portion of the Findings beginning on page 590 that relate to matters other than the matter of the land matter in Indiana.

I am not moving to strike out the Findings beginning on page 590 to 592 but I cannot see that the other matters have any relevancy to this at all and that is the ground of my motion. I did not have a chance at the time, when you were offering it, to examine Part 2 closely but I do now. If I am not right in the matter of the beginning and end-

ing of a page on the subject matter to which I have alluded, of course I can be corrected on that.

Mr. Hitz: Your Honor, our position is that we are entitled to have in our record and it should be in the record all of the report that the Committee saw fit to make to the full body of the Senate which it had under the heading "Maxwell C. Raddock" and the "United Brotherhood of Carpenters and Joiners of America" for the reason that even though some of the matters might not concern this particular Holovachka incident and the use and misuse of [fol. 165] funds of the Carpenters Union having to do with the book of Hutcheson, Sr., and with the Teamsters Funds which apparently were transmitted in one fashion or another to Holovachka, the Lake County prosecutor, for the reason that Mr. Raddock goes as a thread throughout the entire transaction that was apparently being reported here by this Committee to the Senate and the heading, to repeat again, Maxwell C. Raddock and the United Brotherhood of Carpenters and Joiners of America. It is more or less, to say it briefly, a matter of continuity and context that causes us to offer the entire report.

I think that some of it does not have any direct connection with this case. I still think it should be in. If the Court disagrees with me on the principle in which it was offered in its entirety, then I will endeavor to come down to pages with Mr. Tuttle and agree as to those pages which do fall within that area where their value is largely a matter of context because Mr. Raddock runs throughout it.

Mr. Tuttle: Your Honor, very briefly, this report is a year and a half after Mr. Hutcheson's testimony. I objected to it at the time and to all of it on the ground that some statements a year and a half later would not be relevant as to whether or not there was criminal conduct in the position taken by Mr. Hutcheson and his counsel at the hearings.

Furthermore, I cannot agree with the thought that, because of some continuity, whatever that may mean, that there is relevancy. Mr. Hutcheson is here on trial because he did not answer certain questions.

The Court: That is right.

Mr. Tuttle: And on that alone and those questions concerned a subject matter which was stated in various ways but which were the subject of interrogation by the Committee on June 26 and June 27, they announced that that, on that day, as Your Honor will remember, they would take up this subject of the land matter and the matter of indictments and that closed on June 27.

Now, what was before that did not in any way affect or relate to that question or that subject matter of inquiry on June 26 and 27. In this report, at a certain place, they undertook to summarize the testimony given on that sub- [fol. 166] ject on June 26 and on June 27 and then they closed with that and then went on to other matters.

My feeling is, and I respectfully submit that Mr. Hutchinson cannot be affected by any such ex post facto statements a year and a half later.

I made my motion as to all the other matters except the matters that were investigated on June 26 and on June 27 and if I haven't stated the pages right, I will cooperate with Mr. Hitz in designating the exact pages so that we will know to what portion my present motion is not directed.

Mr. Hitz: We still think the entire report on this Raddock and Carpenters Union matter is admissible in evidence, Your Honor. If Your Honor disagrees and wants us to separate out those which perhaps only have fringe relevancy, we will do that but we still offer the entire document. In fact, it has been offered and received and we would like it to remain in.

The Court: I understand that but I did receive it with the understanding that they had the right to move that it be expunged or stricken in order to get ahead with the situation.

Now, I wish you would point out to me what important relevancy it does have, I mean, just to have it in there because you offer it isn't very convincing. Tell me why it ought to be in there.

Mr. Hitz: Well, the Committee, first of all, felt that the Carpenters Union's matters that they investigated were subject to a report and they reported to the full body and where the matters that we have gone into, that is, the senior

Hutcheson's biography and the thread of activity of Raddock, from that point on to the time that the Lake County refused to indict upon the statement by Holovachka, the Lake County prosecutor, that Lake County lacked jurisdiction, we think that all those matters have to be in the record and the other matters reported involve the heading which I have read several times which were, in the opinion of the Committee, relevant and they reported on them and we think that the continuity and context are important there.

I don't think I could pick out anything such as the Blaier [fol. 167] and Chapman investigation and answer your question that it has important relevancy—I will have to concede that that it does not—but I think the entire document is well worthwhile in showing where this particular investigation fitted in the desire of the Committee to report.

The Court: By that, do you mean that what is reported is illustrated by the whole report to have been for the legislative purpose that you insist rather than only by the portions that you say are relevant?

Mr. Hitz: I wonder if I understand. Do I mean that the other portions aid the legislative purpose of the portions that we do insist upon?

The Court: Yes.

Mr. Hitz: I think not.

The Court: You think not?

Mr. Hitz: No, I cannot make that representation.

The Court: Then I do not see why they belong there unless they have such relevancy.

Mr. Hitz: Then I will come down to pages and topics. I don't think that will take very long, Your Honor. I can come down to that with Mr. Tuttle.

The Court: Shall I take a short recess now?

Mr. Hitz: I think it might help.

The Court: Well, let's do it. If we can get something done, for goodness sake, let's do it.

(Thereupon, a short recess was taken.)

Mr. Tuttle: If Your Honor please, Mr. Hitz and I have conferred. He has indicated the pages that he wants. They do not differ from the pages that I was speaking of with the

exception that he wants a number of pages relating to the book matter.

The Court: Yes.

Mr. Tuttle: And he has indicated what they were and I agree with him as to the numbers of the pages that do relate to the book matter.

My position is simply this: I objected to the whole at the time that any portion of this Part 2 was admitted. I objected to the whole or any portion of it because it was a year and a half later.

[fol. 168] The Court: Yes.

Mr. Tuttle: Your Honor thought it might have some relevancy within the limits that you described. Of course, I am still of that view but, so far as the book matter is concerned, I objected to it. Your Honor felt it might have some relevance. It has got in. It has got intertwined with everything and for me to sit down to agree with Mr. Hitz and discuss with Your Honor how to take out what has been so thoroughly intertwined would be probably an endless task.

I stand on the position that the book and all concerning it is irrelevant and immaterial and has no bearing on this situation that is here on trial.

So far as the pages are concerned, against that background which I have just stated, Mr. Hitz agrees with me that the portion relative to the subject of possible indictments in Indiana begin on page 554 and with the words, "Of concern to the Committee in this sphere" and run to page 561, including the first paragraph on that page.

The Court: You want those in?

Mr. Hitz: Yes, but I don't understand Mr. Tuttle's beginning point on page 554. Shouldn't it be, "The second Raddock activity," shouldn't that be the beginning portion of page 554?

Mr. Tuttle: Yes, I am willing to move that up to that point so, beginning on page 554, the extract from this page will begin with the words, "The second Raddock activity in 1957."

Mr. Hitz: Yes, sir.

Mr. Tuttle: Now run to and including the first paragraph on page 561.

Mr. Hitz: Yes, sir.

Mr. Tuttle: And then going to page 590, we will begin with the word "Findings" near the bottom of page 590 and run over to take in the first three full paragraphs on page 592, in other words, down to but excluding all beginning with the words, "Hotel and Restaurant Employees and Bartenders International Union, Chicago area." That obviously has no connection with this matter whatsoever.

[fol. 169] Mr. Hitz: We agree.

The Court: All right.

Mr. Tuttle: I think Mr. Hitz will state what he wants to have in.

Mr. Hitz: We feel that under Your Honor's ruling that anything that is not importantly relevant should go out.

The Court: Yes.

Mr. Hitz: That nevertheless page 517 beginning the topic, "Maxwell C. Raddock and the United Brotherhood of Carpenters and Joiners of America," should remain in and over on to page 518 and on that page omitting only Topic 2, Topic 4 and Topic 5 and the first paragraph of Topic 6.

The Court: Let me see. Other than that which Mr. Tuttle read, which I understood he agreed with you, you are asking that these other things be left in?

Mr. Hitz: Yes, and they relate to the book matter.

The Court: To the book matter.

Mr. Hitz: As Your Honor has ruled, the book matter is in evidence.

The Court: Yes.

Mr. Hitz: Mr. Tuttle agrees, apparently, that these portions here would fall under the same ruling.

I think that is Mr. Tuttle's agreement with me. Is that correct, Mr. Tuttle?

The Court: He doesn't like the book but, as I understand it, he is not fussing about it so much.

Mr. Hitz: I don't know about that but I don't think he is urging it any further at this moment.

The Court: Yes, that is what I gather.

Mr. Hitz: So it is my understanding, then, that the portions that I am speaking of now are book material, reports to the full Senate body on the book matter and that

they do relate to the book. I think that is the agreement between Mr. Tuttle and myself.

Is that correct, Mr. Tuttle?

Mr. Tuttle: He is reading the text and I see that they do relate to the book.

[fol. 170] The Court: You understand what I am trying to do, even though it is a little against my conscience. I am trying to agree with you as much as I can and strike out what I denominated not essentially important.

Mr. Tuttle: I understood Your Honor's ruling.

The Court: All right.

Mr. Tuttle: I feel that the book matter was immaterial.

The Court: I understand that and I differ with you a little bit on that.

Mr. Hitz: And then on page 518, Topic 3 would remain in and the last paragraph on page 518 and it carries over on to page 519 which would remain in.

Mr. Tuttle: You omit paragraph 5, don't you?

Mr. Hitz: Yes, sir, I do.

Mr. Tuttle: Yes, so you omit, to be specific about it, 2, 4, 5 and 6?

Mr. Hitz: That is right.

Then we concede that the following pages up to page 533 would come within Your Honor's ruling of lacking important relevancy.

The Court: All right.

Mr. Hitz: And then we would like to remain in and under the same understanding between Mr. Tuttle and myself, the first full paragraph on page 533 and from there to page 551 and all of page 551 except the last paragraph.

The Court: Didn't he mention that?

Mr. Hitz: No, this is outside of our other agreement.

If those portions are in which are in addition to which Mr. Tuttle provisionally admits should be in, having in mind his over-all objection that the document comes too late, that is, Exhibit 6 comes too late, we then have reached agreement.

The Court: All right. In order to accomplish something, I will permit the striking of all of those except that which you have just enumerated.

Mr. Hitz: And which Mr. Tuttle excepted to on his own motion.

[fol.171] The Court: Yes.

Mr. Hitz: I have been asked, Your Honor, to clarify what on page 518 and 519 is still in under the latest agreement and ruling.

On page 518, there would remain in that portion of Topic 1 which is carried over; Topic 3 would be in and the last paragraph on page 518 and its carry-over on to page 519 would remain in. Everything else would be out.

Mr. Tuttle: What about page 519?

Mr. Hitz: The carry-over is the first three lines on page 519.

The Court: Is it clear now?

Mr. Hitz: I think it is perfectly clear.

The Court: At least we have gotten that far.

Mr. Tuttle: Your Honor, then that brings me to certain motions on the merits. I intend to rest the defendant's case and perhaps I should make these motions on the basis of the case-in-chief by the Government and then renew them when I rest, if they are denied.

The Court: All right.

Mr. Tuttle: As to each of the questions in the indictment, I separately make, running to each separately, a motion for acquittal on the ground that the evidence that has been introduced by the Government does not constitute a *prima facie* case and that, in consequence, as to each of these questions I will make a separate motion.

I could discuss the bases for these motions as to each question but, as I state, I intend to rest the defendant's case if these motions are denied or any of them is denied and then to repeat them and, in that connection, I would like the indulgence of the Court to make some summation of the record, as I see it, in support of a renewal of the motions.

I consequently believe that it would be more profitable if I made that summation now or, if Your Honor prefers, after I have rested the case.

The Court: Well, I don't exactly know what you mean by summation so it seems to me that if you mean by that to point out to me what the general ground is which you believe is applicable that that would be the best thing but [fol. 172] I don't know. Is that what you mean?

Mr. Tuttle: That is what I mean, Your Honor.

The Court: I thought you did and, if so, I think that would be profitable.

Mr. Tuttle: Yes.

The Court: And if you wish to enlarge on it somewhat, I will be glad to have you do it but not too much.

• • • • •
Mr. Tuttle: • • • Consequently, I want to thank Your Honor for hearing me as you have so fully and I make these motions, as I have stated, separately as to each one of these questions, for an acquittal.

• • • • •
The Court: The question I have got to decide is, did the Congressional Committee have the right to ask the questions?

Mr. Tuttle: Certainly, sir.

ORAL RULING OF COURT

The Court: And I say it did have the right to ask the questions and the man is in contempt of court in not answering them. That is my answer. Any other answer in this jurisdiction has got to come from the Court of Appeals.

The Sacher case, Mr. Hitz doesn't seem to think it is in point with the facts in this case. I disagree with him. I think it is absolutely dispositive of what is involved in this case and I think it makes it abundantly clear that the relief that this defendant ought to have gotten before the Committee of Congress was his claim under the immunity clause of the Fifth Amendment. He did not seek it and it is the only way he could properly seek it, before a Committee of Congress.

That is my ruling and that is what I hold.

You can prepare a decree accordingly.

I find the defendant guilty of all counts of the indictment and the matter is referred to the Probation Officer for presentence investigation.

• • • • •
(In Chambers)

The Court: They have asked me to repeat again my findings in this case so it could be done in your presence so that is what I am doing.

[fol. 173] Instead of writing an opinion in the case, I will just simply state what I did from the bench that I find this defendant guilty on all of the counts in the indictment as charged and am referring him to the Probation Officer for presentence investigation and we will handle the matter of the indictment as has been suggested because it is desired that the superseding indictment be filed in lieu of the one that was originally filed.

Mr. Hitz: The superseding indictment has already been filed and the defendant was arraigned on the first day of this trial on the superseding indictment and that is the one we have tried, 353-60, which is the case we have been trying. The original indictment which had a typographical error in it is the one which we will dismiss as soon as the Bondsman has completed the transfer of his obligation to the new indictment.

The Court: I see what it is so we proceed, really, on the reindictment.

Mr. Hitz: That is right, which is the superseding indictment.

The Court: But the bond has not actually been made as to that indictment, is that correct?

Mr. Hitz: Not yet. That is right.

The Court: All right.

Mr. Hitz: The trial and the findings were on the second indictment that the Clerk just read and may the record show that Mr. Hutcheson, the defendant, is present at this part of this proceeding?

The Court: Yes. It will be noted that Mr. Hutcheson is present.

Mr. Tuttle: And I understand the existing bond will be deemed—

The Court: Adequate.

Mr. Tuttle: Adequate until the Bondsman addresses himself to the new indictment.

Mr. Hitz: So far as the Government is concerned, that is correct.

The Court: I was satisfied that that would be all right.

Mr. Tuttle: Yes, Your Honor.

Mr. Hitz: Thank you, sir.

(Thereupon, at 3:30 o'clock p.m., the trial was concluded.)

[fol. 174]

GOVERNMENT'S EXHIBIT No. 1

[Filed July 18, 1960].

85th Congress
1st Session

S. Res. 74

[Report No. 44]

IN THE SENATE OF THE UNITED STATES

January 29, 1957

Mr. McClellan (for himself, Mr. Hill, Mr. Ives, and Mr. McCarthy) submitted the following resolution; which was referred to the Committee on Rules and Administration

January 30, 1957

Reported by Mr. HENNINOS, with amendments

January 30, 1957

Considered, amended, and agreed to

RESOLUTION

Resolved, That there is hereby established a select committee which is authorized and directed to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers to the detriment of the interests of the public, employers or

employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities.

Sec. 2 (a) The select committee shall consist of eight members to be appointed by the Vice President, four each from the majority and minority Members of the Senate, and shall, at its first meeting, to be called by the Vice President, select a chairman and vice chairman, and adopt rules of procedures not inconsistent with the rules of the Senate.

(b) Any vacancy shall be filled in the same manner as the original appointments.

[fol. 175] **Sec. 3 (a)** The select committee shall report to the Senate by January 31, 1958, inclusive, and shall, if deemed appropriate, include in its report specific legislative recommendations.

(b) Upon the filing of its final report the select committee shall cease to exist.

Sec. 4. For the purposes of this resolution the select committee is authorized as it may deem necessary and appropriate to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and meet at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subp^{ea}na or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary

and appropriate in the judgment of the chairman of the select committee.

Sec. 5. The expenditures authorized by this resolution shall not exceed \$350,000, and shall be paid upon vouchers signed by the chairman of the select committee.

[fol. 176]

GOVERNMENT'S EXHIBIT No. 2

[Filed July 18, 1960]

85th Congress
1st Session

S. Res. 88

IN THE SENATE OF THE UNITED STATES

February 7, 1957

**Mr. McClellan submitted the following resolution; which
was considered and agreed to**

RESOLUTION

Resolved, That Section 2 of S. Res. 74, Eighty-fifth Congress, first session, agreed to January 30, 1957 (establishing a select committee to investigate certain matters pertaining to labor-management relations), is amended by striking out the period at the end of subsection (a) thereof and inserting in lieu thereof the following: "governing standing committees of the Senate."

GOVERNMENT'S EXHIBIT NO. 3

[Filed July 18, 1960]

85th Congress
2d Session

S. Res. 221

[Report No. 1210]

IN THE SENATE OF THE UNITED STATES

January 16, 1958

Mr. McClellan submitted the following resolution; which was referred to the Committee on Rules and Administration

January 27, 1958

Reported by Mr. HENNINGS, with an amendment

JANUARY 29 (legislative day, JANUARY 27), 1958

Considered, amended, and agreed to

[fol. 177]

RESOLUTION

RESOLVED, That the select committee, authorized and directed to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of the interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities, established by S. Res. 74, Eighty-fifth Congress, first session, agreed to January 30, 1957, as amended by S. Res. 88 of the Eighty-fifth Congress, first session, agreed to February 7, 1957, is hereby continued. Any vacancy in the select committee so continued shall be filled in the same manner as the original appointments were made under section 2 of S. Res. 74, Eighty-fifth Congress, first session, as amended.

Sec. 2. For the purposes of this resolution, the select committee, from February 1, 1958, to January 31, 1959, inclusive, is authorized, as it may deem necessary and appropriate to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpens or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the select committee.

Sec. 3. Notwithstanding the provisions of section 3 of S. Res. 74, Eighty-fifth Congress, as amended, the select [fol. 178] committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1959, on which date the select committee shall cease to exist.

Sec. 4. Notwithstanding the provisions of section 5 of S. Res. 74, Eighty-fifth Congress, as amended, expenses of the select committee, under this resolution, shall not exceed \$500,000 and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

GOVERNMENT'S EXHIBIT NO. 4

[Filed July 18, 1960]

85th Congress
2d Session

S. RES. 362

[Report No. 2265]

IN THE SENATE OF THE UNITED STATES

August 8, 1958

Mr. McClellan, from the Senate Select Committee on Improper Activities in the Labor or Management Field, reported the following resolution; which was ordered to be placed on the calendar

August 18 (legislative day, August 16), 1958

Considered and agreed to

RESOLUTION

RESOLVED, That the President of the Senate certify the report of the Select Committee on Improper Activities in the Labor or Management Field of the United States Senate as to the refusal of Maurice A. Huteson to answer questions before the Senate Select Committee on Improper Activities in the Labor or Management Field, pertinent to the subject matter under inquiry, together with all the facts in connection therewith, under the seal of the United States Senate to the United States Attorney for the District of Columbia, to the end that the said Maurice A. Huteson may be proceeded against in the manner and form provided by law.

[fol. 179]

GOVERNMENT'S EXHIBIT NO. 47

[Filed July 18, 1960]

THE STATE OF INDIANA, MARION COUNTY, SS.:

CRIMINAL COURT OF MARION COUNTY

JANUARY TERM, 1958

Indictment for CONSPIRACY TO COMMIT A FELONY, TO
WIT: BRIBERY OF STATE OFFICER and BRIBERY OF STATE
OFFICER.

THE STATE OF INDIANA,

vs.

MAURICE A. HUTCHESON, FRANK M. CHAPMAN,
O. WILLIAM BLAIRE.The Grand Jury for the County of Marion in the State of
Indiana, upon their oath do present thatMAURICE A. HUTCHESON, FRANK M. CHAPMAN and O.
WILLIAM BLAIRE

on or about the 1st day of May, A.D. 1956, at and in the
County of Marion and in the State of Indiana, did then
and there unlawfully, knowingly and feloniously unite,
combine, conspire, confederate and agree to and with each
other, for the object and purpose and with the unlawful
and felonious intent then and there to unlawfully, felo-
niously and corruptly promise and offer to pay as a bribe
to HARRY DOGERT, who was then and there an officer,
employee and a person holding an office of profit or trust
under the laws of the State of Indiana, to-wit: Assistant
Director, Right of Way Department of the State High-
way Department of Indiana, one-fifth (1/5) of all profits
thereafter received by the defendants, or any of said
defendants, in lawful money of the United States, arising
out of any and all grants or conveyances of rights of way
by the defendants, or any of said defendants, to the State
of Indiana across real estate owned by the defendants, or

any of them, in the State of Indiana, then and there and thereby intending to corruptly influence the official action, opinion or judgment of the said HARRY DOGGETT, as Assistant Director of the Right of Way Department of the State Highway Department of Indiana, concerning a matter then pending or that might legally come before him, to-wit: approval of grants of rights of way across real estate owned by the defendants, or any of them, in the State of Indiana; that thereafter, pursuant [fol. 180] to and in furtherance of the aforesaid conspiracy, and pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, the said HARRY DOGGETT did exercise his official action, opinion or judgment concerning the approval by the Right of Way Department of the State Highway Department of Indiana of certain grants of rights of way across the following described real estate owned by the defendant, FRANK M. CHAPMAN, in Lake County, State of Indiana, to-wit:

Tract Nine (9), Grant Street Plat, as shown in Plat Book #26, Page #52, in Lake County, Indiana

Tract Three (3), Harrison Street Plat, as shown in Plat Book #26, Page 50, in Lake County, Indiana

Lot Twenty-four (24), Block fifty-four (54), except that part in the rear of said lot taken for alley purpose, Chicago-Tolleston Land and Investment Company's Second-Oak Park Addition to Tolleston, in the City of Gary, Lake County, Indiana

Lot Twenty-six (26), Block fifty-four (54), except that part in the rear taken for alley purposes, Chicago-Tolleston Land and Investment Company's Second Oak Park Addition to Tolleston, in the City of Gary, Lake County, Indiana

Lot Twenty-three (23), Block Fifty-four (54), except that part in the rear of said lot taken for alley purposes, Chicago-Tolleston Land and Investment Company's Second Oak Park Addition to Tolleston, in the City of Gary, Lake County, Indiana

And that thereafter, pursuant to and in furtherance of the aforesaid conspiracy, and pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, the said HARRY DOGGETT did exercise his official action, opinion or judgment concerning the approval by the Right of Way Department of the State Highway Department of Indiana of a certain grant of right of way across the following described real estate owned by the defendant, O. WILLIAM BLAIBER in Wayne County, State of Indiana, to-wit:

[fol. 181] Real Estate in Wayne County, State of Indiana, being a part of the Southwest Quarter of Section Eight (8), Township Fourteen (14) Range One (1) West, bounded and described as follows, to-wit: Beginning at the southeast corner of said quarter; thence West along the section line Thirty-eight and Seventy-five Hundredths (38.75) rods to a stone; thence North One Hundred Twenty-six and Eighty-four Hundredths (126.84) rods to a stone; thence East Thirty-eight and Seventy-five Hundredths (38.75) rods to the quarter section line; thence South along the quarter section line One Hundred Twenty-six and Eighty-four Hundredths (126.84) rods to the place of beginning, containing Thirty and Forty Hundredths (30.40) acres, more or less. Also a part of the southeast quarter of Section Eight (8), Township Fourteen (14), Range One (1) West, bounded and described as follows, to-wit: Beginning at the southwest corner of said quarter section, running thence East along the section line Fifty-Nine and five tenths (59.5) rods to a stake; thence North One (1) degree East Forty-four and Four Tents (44.4) rods to a stake; thence North Eighty-eight (88) degrees West Thirty-eight and Sixteen Hundredths (38.16) rods to a stone; thence North parallel with the west line of said quarter section Sixty-eight and eighty-two Hundredths (68.82) rods to the center of the Richmond and Newport Turnpike; thence in a Northwesterly direction along the center of said turnpike to the west line of said quarter; thence South along said west line One Hundred Twenty-seven (127) rods to the place of beginning, containing Twenty-seven and Nineteen Hundredths

(27.19) acres, more or less, containing in both tracts Fifty-seven and Fifty-nine Hundredths (57.59 acres, more or less. EXCEPT that part thereof containing Sixteen and Sixty-five Hundredths (16.65) acres, more [fol. 182] or less conveyed to Glenn E. Muckridge and wife by deed dated February 27, 1956 and recorded in Deed Record 271, page 268 of the records of Wayne County, Indiana. EXCEPT a part of the Southeast Quarter of Section Eight (8), Township Fourteen (14) North, Range One (1) West in Wayne Township, Wayne County, Indiana and being more particularly described as follows: Beginning at a point in the south line of said quarter, said point being 673.36 feet East of the southwest corner of said quarter, and running thence East, on the south line of said quarter 308.39 feet; thence North 1 degree East 730.5 feet to a hedge fence; thence North 86 degrees West along said fence, 501.44 feet; thence south 42 minutes East 521.25 feet; thence South 39 degrees and 21 minutes East Two Hundred Eighty-five and Eighty-seven Hundredths (285.87) feet to the place of beginning, containing an area of 7.92 acres, more or less.

And that thereafter pursuant to and in furtherance of the aforesaid conspiracy and pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, defendants did on or about the 17th day of December, A.D. 1956, pay the sum of ten thousand (\$10,000.00) dollars in lawful money of the United States to the said HARRY DOGGETT; and that thereafter pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, defendants did on or about the 17th day of January, A.D. 1957, pay the sum of two thousand (\$2,000.00) dollars in lawful money of the United States to the said HARRY DOGGETT; and that thereafter pursuant to and in furtherance of the aforesaid conspiracy and pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, defendants did on or about the 30th day of January, A.D. 1957, pay the sum of three thousand eight hundred (\$3,800.00) dollars in lawful

money of the United States for the said HARRY DOGGETT, then and there being contrary to the form of the statute in such case made and provided, and against the peace [fol. 183] and dignity of the State of Indiana.

/s/ JOHN G. FUDER
Prosecuting Attorney
Nineteenth Judicial Circuit

COUNT TWO:

The Grand Jury for the County of Marion in the State of Indiana, upon their oath do further present that MAURICE A. HUTCHESON, FRANK M. CHAPMAN and O. WILLIAM BLAIER on or about the 1st day of May, A.D. 1956, at and in the County of Marion and in the State of Indiana, did then and there unlawfully, feloniously and corruptly promise and offer to pay as a bribe to HARRY DOGGETT, who was then and there an officer, employee and a person holding an office of profit or trust under the laws of the State of Indiana, to-wit: Assistant Director of the Right of Way Department of the State Highway Department of Indiana, one-fifth (1/5) of all profits thereafter received by the defendants, or any of said defendants, to lawful money of the United States, arising out of any and all grants or conveyances or rights of way by the defendants, or any of said defendants, to the State of Indiana across real estate owned by the defendants, or any of them, in the State of Indiana, then and there and thereby intending to corruptly influence the official action, opinion and judgment of the said HARRY DOGGETT, as Assistant Director of the Right of Way Department of the State Highway Department of Indiana, concerning a matter then pending or that might legally come before him, to-wit: approval of grants of rights of way across real estate owned by the defendants, or any of them, in the State of Indiana; that thereafter, and pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, the said HARRY DOGGETT, did exercise his official action, opinion or judgment concerning the approval by the Right of Way Department of the State Highway Department of Indiana, of certain grants of rights of way across the following described real estate

owned by the defendant, Frank M. Chapman, in Lake County, State of Indiana, to-wit:

[fol. 184] Tract Nine (9), Grant Street Plat, as shown in Plat Book #26, Page #52, In Lake County, Indiana

Tract Three (3), Harrison Street Plat, as shown in Plat Book #26, Page 50, in Lake County, Indiana

Lot Twenty-four (24), Block fifty-four (54), except that part in the rear of said lot taken for alley purpose, Chicago-Tolleston Land and Investment Company's Second Oak Park Addition to Tolleston, in the City of Gary, Lake County, Indiana

Lot Twenty-six (26), Block fifty-four (54), except that part in the rear taken for alley purposes, Chicago-Tolleston Land and Investment Company's Second Oak Park Addition to Tolleston, in the City of Gary, Lake County, Indiana

Lot Twenty-three (23), Block Fifty-four (54), except that part in the rear of said lot taken for alley purposes, Chicago-Tolleston Land and Investment Company's Second Oak Park Addition to Tolleston, in the City of Gary, Lake County, Indiana

And that thereafter, and pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, the said HARRY DOOGERT did exercise his official action, opinion or judgment concerning the approval by the Right of Way Department of the State Highway Department of Indiana of a certain grant of right of way across the following described real estate owned by the defendant, O. WILLIAM BLAHER, in Wayne County, State of Indiana, to-wit:

Real Estate in Wayne County, State of Indiana, being a part of the Southwest Quarter of Section Eight (8), Township Fourteen (14) Range One (1) West, bounded and described as followed, to-wit: Beginning at the southeast corner of said quarter; thence West along the section line thirty-eight and Seventy-five Hundredths (38.75) rods to a stone; thence North

One Hundred Twenty-six and Eighty-four Hundredths [fol. 185] (126.84) rods to a stone; thence East Thirty-eight and Seventy-five Hundredths (38.75) rods to the quarter section line; thence South along the Quarter section line One Hundred Twenty-six and Eighty-four Hundredths (126.84) rods to the place of beginning, containing Thirty and Forty Hundredths (30.40) acres, more or less. Also a part of the southeast quarter of Section Eight (8), Township Fourteen (14), Range One (1) West, bounded and described as follows, to-wit: Beginning at the southwest corner of said quarter section, running thence East along the section line Fifty-nine and Five Tents (59.5) rods to a stake; thence North One (1) degree East Forty-four and Four Tents (44.4) rods to a stake; thence North Eighty-eight (88) degrees West Thirty-eight and Sixteen Hundredths (38.16) rods to a stone; thence North parallel with the west line of said quarter section; Sixty-eight and Eighty-two Hundredths (68.82) rods to the center of the Richmond and Newport Turnpike; thence in a Northwesterly direction along the center of said turnpike to the west line of said quarter; thence South along West line One Hundred Twenty-seven (127) rods to the place of beginning, containing Twenty-seven and Nineteen Hundredths (27.19) acres, more or less, containing in both tracts Fifty-seven and Fifty-nine Hundredths (57.59) acres, more or less. EXCEPT that part thereof containing Sixteen and Sixty-five Hundredths (16.65) acres, more or less conveyed to Glenn E. Muckridge and wife by deed dated February 27, 1956 and recorded in Deed Record 271, page 268 of the records of Wayne County, Indiana. EXCEPT a part of the Southeast Quarter of Section Eight (8), Township Fourteen (14) North, Range One (1) West in Wayne Township, Wayne County, Indiana, and being more particularly described as follows: Beginning at a point in the south line of said quarter, said point being 673.36 feet East of the [fol. 186] southwest corner of said quarter, and running thence East, on the south line of said quarter

308.39 feet; thence North 1 degree East 730.5 feet to a hedge fence; thence North 88 degrees West along said fence, 501.44 feet; thence South 42 minutes East 521.25 feet; thence South 39 degrees and 21 minutes East Two Hundred Eighty-five and Eighty-seven Hundredths (285.87) feet to the place of beginning, containing an area of 7.92 acres, more or less.

And that thereafter, pursuant to said corrupt promise and offer to pay a bribe, as aforesaid, defendants did on or about the 17th day of December, A.D. 1956, pay the sum of ten thousand (\$10,000.00) dollars in lawful money of the United States to the said Harry Boggett, then and there being contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Indiana.

/s/ JOHN G. FUDER
Prosecuting Attorney
Nineteenth Judicial Circuit

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Criminal No. 153-60

UNITED STATES OF AMERICA,

v.

MAURICE A. HUTCHESON.

JUDGMENT AND COMMITMENT—May 13, 1960

On this 13th day of May, 1960, came the attorney for the government and the defendant appeared in person and by counsel, Joseph P. Tumulty, Jr., and Charles H. Tuttle, Esquire.

It Is Adjudged that the defendant has been convicted upon his plea of not guilty and a finding of guilty of the

offense of Violations of Section 192, Title 2 of the U. S. Code as charged and the court having asked the defendant whether he has anything to say why judgment should not [fol. 187] be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Six (6) months, and to pay a fine of Five Hundred (\$500.00) Dollars.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

James W. Morris, United States District Judge.

IN UNITED STATES DISTRICT COURT

NOTICE OF APPEAL—Filed May 13, 1960

Name and address of appellant: Maurice A. Hutcheson,
3741 North Meridian St., Indianapolis, Indiana

Name and address of appellant's attorneys: Charles H.
Tuttle, 15 Broad St., New York 5, N. Y.; Joseph P. Tu-
multy, Jr., 1317 F Street, N.W., Washington 4, D.C.

Offense: Contempt of Congress—2 U.S.C. Sec. 192

Concise statement of judgment or order, giving date, and
any sentence: Found guilty April 11, 1960. Sentenced
May 13, 1960 to pay fine of \$500 and imprisonment for
6 months. Payment of fine and imprisonment stayed
pending appeal and defendant released to custody of his
attorney pending filing notice of appeal and appeal
bond.

Name of institution where now confined, if not on bail:
[None]

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

Maurice A. Hutcheson, Appellant.

Charles H. Tuttle, Joseph P. Tumulty, Jr., Attorney for Appellant.

Date: May 13, 1960

[fol. 188] [File endorsement omitted]

**IN UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

September Term, 1960

District Court-Criminal No. 153-60

No. 15,906

MAURICE A. HUTCHESON, Appellant,

v.

UNITED STATES OF AMERICA, Appellee.

**Appeal From the United States District Court for the
District of Columbia**

Before: Mr. Justice Reed, retired, Edgerton and Prettyman, Circuit Judges.

JUDGMENT—December 7, 1960

This Cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia, and was argued by counsel.

On Consideration Whereof It is ordered and adjudged by this Court that the judgment of the District Court appealed from in this cause be, and it is hereby, affirmed.

Per Curiam

Dated: December 7, 1960

[fol. 189] Petition for rehearing covering 16 pages filed December 20, 1960 omitted from this print.

It was denied, and nothing more by order January 9, 1961.

[fol. 199] [File endorsement omitted]

IN UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

[Title omitted]

ORDER DENYING PETITION FOR REHEARING—January 9, 1961

Upon consideration of appellant's petition for rehearing, it is Ordered by the court that the petition for rehearing is denied.

Per Curiam.

Dated: January 9, 1961

[fol. 202] Clerk's certificate to foregoing transcript (omitted in printing).

[fol. 203]

SUPREME COURT OF THE UNITED STATES

No. 701, October Term, 1960

MAURICE A. HUTCHESON, Petitioner,

vs.

UNITED STATES.

ORDER ALLOWING CERTIORARI—April 3, 1961

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.